

## INITIAL STATEMENT OF REASONS

### MINIMUM STANDARDS FOR JUVENILE FACILITIES TITLE 15-CRIME PREVENTION AND CORRECTIONS DIVISION 1, CHAPTER 1, SUBCHAPTER 5

**Section 1300. Severability.** This regulation specifies the conditions under which requirements of regulations may be severed. Revisions reflect legislative action, replacing the Corrections Standards Authority with Board. There is no operational impact.

**Section 1302. Definitions.** This regulation defines terms used throughout these regulations. To provide clarity and consistency, several regulations have been modified, deleted, or added. Additionally, the terms “minor” and “child” have been replaced with the term “youth” throughout, and Corrections Standards Authority has been replaced with Board, reflecting legislative change.

The definition “clergy” was added to clarify the use of the term in Section 1372, Religious Programs.

The term “contraband” was modified to clarify that each facility has some flexibility to determine what may be deemed as contraband.

The definition “exercise” was modified; a grammatical error was corrected by adding an “s” to the term “large muscle groups.”

The term “exigent” is proposed to provide clarity to the term, which is used in regulations regarding staffing.

The definition for “504 plan” was revised to ensure clarity and align language with relevant federal code.

The term “group punishment” was modified to make the distinction between there being a need to temporarily suspend programs due to safety and security following an incident and administering discipline to a group based upon the actions of one or more youth.

The definition for “IEP” was modified to ensure clarity and align language with relevant federal code.

The definition for “intensive supervision unit” was deleted since reference to such units was deleted in proposed revisions to Title 24, Section 1230.1.25, Special Purpose Juvenile Halls.

The definition for “juvenile facility” was modified, and the term “juvenile home” deleted, as it is not used in these regulations.

The term “licensed health care personnel” was deleted because the term is not used in these regulations.

The definition “living unit” was modified to emphasize that living unit supervision is more about being able to provide direct supervision to the youth, rather than how the unit is constructed. A permanent barrier will hinder direct access and would still not be appropriate according to this definition. However, facilities that do have the ability to provide adequate supervision will have more flexibility in how they provide direct supervision.

The definition “new generation” design was renamed “podular” design to reflect current usage of the concept and to ensure its applicability to current facilities and construction needs.

The definition for “non-school day” was added to clarify the use of this term in Section 1371, Recreation and Exercise. This definition will clarify that those youth who are not enrolled in school because they have already graduated or achieved their GED must receive sufficient time spent out of their rooms.

The definitions for “concept drawings,” “design-bid-build,” “design build” and “performance criteria,” were added to ensure consistency with Title 24 regulations and legislative requirements for Senate Bill (SB) 81 construction projects.

The term “psychotropic medication” was revised and condensed to include drugs that treat psychiatric symptoms rather than list specific types. There are situations where drugs used for multiple purposes, not just those classified as psychotropic medications, are used to treat psychiatric symptoms. Such drugs are technically used to treat symptoms, not conditions.

The definition for “separation” was added to provide clarity and context in the proposed revision to Section 1354, Segregation (to be renamed “Separation”).

The definition “special visits” was proposed since the term is used in Section 1374, Visiting. Adding this definition will provide clarity to this regulation.

The definitions “transgender youth,” “sexual orientation,” “gender expression” and “gender identity” were added to provide context to regulations accommodating LGBT youth in detention.

**Section 1303. Pilot Projects.** This regulation outlines the procedures for an agency to apply for a pilot project; revisions reflect legislative action, replacing the Corrections Standards Authority with Board. There is no operational impact.

**Section 1304. Alternate Means of Compliance.** This regulation outlines the procedures for an agency to apply for an alternate means of compliance; revisions reflect legislative action, replacing the Corrections Standards Authority with Board. There is no operational impact.

**Section 1310. Applicability of Standards.** This regulation outlines the applicability of standards for each type of juvenile detention facility. Proposed revisions remove the term “juvenile homes” as it is no longer applicable. Revisions also replace the term “minor” with “youth”, which is a more appropriate term in the context of these regulations. There is no operational impact.

**Section 1311. Emergency Suspension of Standards or Requirements.** This regulation outlines the procedures to apply for an emergency suspension of standards. Proposed revisions delete the terms “jails” and “lockups” because these regulations are not applicable to such facilities. Revisions also replace the term “minor” with “youth”, which is a more appropriate term in the context of these regulations, and Corrections Standards Authority has been replaced with Board, reflecting legislative change. There is no operational impact.

**Section 1312. Juvenile Criminal History Information.** This regulation outlines the availability of juvenile criminal history information to Board staff while conducting facility inspections. Proposed revisions replace Corrections Standards Authority with Board, reflecting legislative change. There is no operational impact.

**Section 1313. County Inspection and Evaluation of Building and Grounds.** This regulation outlines ancillary inspections of juvenile detention facilities. Proposed changes clarify that not all of these inspections are required annually; for instance, fire inspections are currently required on a biennial basis.

**Section 1314. Appeal.** This regulation outlines the process for jurisdictions to appeal the Board’s application of standards. Proposed revisions replace Corrections Standards Authority with Board, reflecting legislative change. There is no operational impact.

**Section 1320. Appointment and Qualifications.** This regulation outlines the appointments and qualification requirements for juvenile detention facility staff. Proposed revisions make minor grammatical corrections and replace CSA with Board. There is no operational impact.

**Section 1321. Staffing.** This regulation outlines the staffing levels for juvenile detention facilities. Proposed changes specify that the 1:30 ratio of staff to youth, previously applicable only when youth were asleep, would apply whenever youth were confined to their rooms for the purpose of sleeping. Youth may be placed in their rooms at “lights out” but may not necessarily be asleep. This change will allow agencies to transition to the 1:30 ratio during “sleeping hours,” offering some budget relief from the decrease in staff.

Revisions also reiterate in the sections for juvenile halls and special purpose juvenile halls that personnel with primary duties other than youth supervision are not counted in the youth supervision staff ratio. This statement had previously not been included in these sections; this is occurring in practice and will have no operational or fiscal impact.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1323. Fire and Life Safety.** This regulation outlines the requirements for staff properly trained in fire and life safety standards to be in the facility at all times. Proposed revisions add the term “wide awake” person on duty to ensure that there would be an adequate response in the event of a fire or other emergency. This is a clarifying change, and should not impact facility operations.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1324. Policy and Procedures Manual.** This regulation outlines required content in the facility policy and procedures manual. Proposed changes would require that manuals are reviewed at a minimum every two years. This change would extend the review process to allow the necessary time for a more comprehensive review and update of policy and procedures.

Proposed changes add the requirement that support staff, contract employees and other ancillary staff receive orientation regarding facility anti-discrimination procedures. Orientation for such staff will need to be modified if such training isn’t already being provided. Since facilities are already providing this orientation for facility staff, operational change should be minimal.

Proposed revisions add the term “gender expression” to the list of characteristics that cannot be discriminated against. This term is being defined in Section 1302, Definitions and is consistent with community standards. There should be no operational impact as a result of this change.

Proposed revisions add that housing and classification decisions cannot be made in a discriminatory manner using any of the categories listed in the regulation. There should be no operational impact as a result of this change.

Proposed changes require that there be procedures in place to establish Medi-Cal eligibility pursuant to Welfare and Institutions Code Section 12029.5. This requirement is consistent with statute and will ensure that youth are able to receive needed services. If procedures aren’t already in place, facilities will have to ensure that such a practice is occurring. Since this is required by law, many facilities will already have mechanisms in place.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions replace Corrections Standards Authority with Board, reflecting legislative change. There is no operational impact.

**Section 1327. Emergency Procedures.** This regulation outlines the emergency procedures that must be included in policy and procedures. Revisions include minor grammatical corrections and are nonsubstantive.

**Section 1328. Safety Checks.** This regulation outlines the requirements for 15 minute safety checks. Proposed revisions will clarify that safety checks must be occurring when youth are confined to holding cells or to their beds in dormitories. This change reflects current practice and will not impact operations.

Proposed revisions also add language requiring that safety checks are documented at the actual time the check is completed. This language will help strengthen the intent of the regulation and enhance compliance; there is no operational impact.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1329. Suicide Prevention Program.** This is a new regulation and will require policy and procedure specific to suicide prevention, training and intervention in juvenile detention facilities. This regulation will ensure comprehensive requirements, consistent with related research, to ensure a meaningful suicide prevention program within institutions. The regulation was drafted after reviewing a report that is nationally accepted as highlighting best practices with respect to suicide prevention in juvenile detention facilities and contains many similar elements.

This regulation will require suicide prevention training, which will, in many cases, be covered by orientation, and/or CORE training that must be completed prior to providing primary supervision of youth.

The proposed regulation will also require screening for suicide risk immediately upon confinement and prior to housing assignment.

The proposed regulation will ensure that policy and procedures addresses and encourages communication among all facility staff when there is a threat of suicide.

The proposed regulation will also require that policy and procedures offer guidance to staff when youth are being assigned housing. Policy and procedure will ensure that youth are not isolated as a matter of practice, unless there is an immediate threat to their own safety.

The proposed regulation will require policy and procedure to specify multiple levels of supervision relative to the level of suicide risk for youth.

The proposed regulation will require that policy manuals outline procedures for intervention in the event of an attempted suicide, including training relative to such procedures.

The proposed regulation will also include that policy specifies internal reporting procedures, critical incident debriefing and the availability of counseling in the event of a suicide or an attempt.

Much of these newly required procedures outlined are currently occurring in juvenile detention facilities. These revisions will continue to ensure that adequate actions are taken to prevent suicide and respond in the event of an attempted suicide or suicide.

There may be operational and fiscal impact to provide suicide prevention training if a staff member does not receive such training as part of orientation or Core training. Cost will be absorbed by staff that already receives the training.

**Section 1340. Reporting of Legal Actions.** This regulation outlines the requirement for reporting legal actions to the Board. Proposed revisions replace Corrections Standards Authority with Board, reflecting legislative intent. There is no operational impact.

**Section 1341. Death and Serious Illness or Injury of a ~~Minor~~ Youth While Detained.**

This regulation outlines the procedures if a youth dies or is seriously injured while in detention. Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions replace Corrections Standards Authority with Board, reflecting legislative change. There is no operational impact.

**Section 1342. Population Accounting.** This regulation outlines the information that must be submitted to the Board each reporting period. Proposed revisions replace Corrections Standards Authority with Board, reflecting legislative change. There is no operational impact.

**Section 1343. Juvenile Facility Capacity.** This regulation outlines the establishment of a maximum facility capacity by the Board. Revisions add the term “make” to correct a grammatical error.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions replace Corrections Standards Authority with Board, reflecting legislative change. There is no operational impact.

**Section 1350. Admittance Procedures.** This regulation outlines procedures for admittance of youth to juvenile detention facilities. Proposed revisions would require juvenile halls to develop policies and procedures for advising committed youth of their length of stay. This is consistent with the requirements for youth committed to camps. Operational impact will be minimal; most agencies are already performing this function.

Proposed revisions also replace the term “include” with “develop” with respect to camp policy and procedures; this term will help clarify the requirements of this section.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1351. Release Procedures.** This regulation outlines procedures for release of a youth from a juvenile detention facility. Proposed changes add that mental health personnel are notified upon a youth’s release. Operational impact would be minimal as most agencies are

already performing this function. This notification will trigger mental health staff and their responsibilities for transitioning youth who are receiving services in the facility.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1352. Classification.** This regulation outlines the requirements for policy and procedure regarding classification of youth in the facility. Proposed revisions add the requirement that youth will not be separated from the general population or placed in a single room solely on the basis of specified criteria. This is a change that is in line with constitutional rights and should not have operational impact. This revision may assist facility managers by clarifying this requirement.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1353. Orientation.** This regulation outlines the requirements for orientation information to be provided to youth upon admittance to a juvenile detention facility. There is no operational impact as a result of these revisions; changes include modernizing language.

Proposed revisions also add that youth be informed of the non-discrimination policy at the facility; this will ensure that youth are aware of such policy. There may be minor operational impact to update orientation manuals and procedures.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1354. ~~Segregation~~Separation.** This regulation outlines the requirements for segregating youth from the general population. The regulation is renamed “separation” to better define the objectives of the section, and to remove the negative connotation associated with the term “segregation.”

Proposed revisions also clarify several reasons that separation may be used, offering direction for administrators when developing policy and procedure.

Proposed changes link the concept that if separation is used for disciplinary reasons, that the requirements in Section 1390 apply. This is implied in the current regulation; the revision will ensure clarity.

Proposed revisions will require that the status of separated youth must be reviewed daily to determine if separation remains necessary. This imposes a specific time frame of the requirement for review and will ultimately ensure that youth do not languish in a separated status. There may be operational impact if facilities are not already accomplishing daily reviews.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1355. Institutional Assessment and Plan.** This regulation outlines policy and procedures for assessment and planning for youth in detention. Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1356. Counseling and Casework Services.** This regulation outlines policy and procedure requirements for counseling and casework for youth. Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1357. Use of Force.** This regulation outlines policy and procedures relative to the use of force. Proposed revisions remove the phrase “but not limited to” as it is superfluous.

Additional revisions will require that training addresses appropriate response when a use of force is ineffective and may cross the threshold into use of restraint (e.g., hands on for prolonged period of time). There should not be operational impact since this reflects current practice.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1358. Use of Physical Restraints.** This regulation outlines the requirements when restraints are used in a juvenile detention facility. Proposed changes are nonsubstantive in nature; existing requirements in the regulation are being reordered to ensure clarity and emphasize specific actions.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1359. Safety Room Procedures.** This regulation outlines the policy and procedure requirements for safety rooms. Proposed changes update the reference to Title 24 regulations; the Building Standards Commission recently renumbered these standards. There is no operational or fiscal impact.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1360. Searches.** This regulation outlines the required policies and procedures governing the searching of youth in detention facilities. Proposed revisions add a requirement that searches be conducted in a manner that preserves dignity and privacy to the extent possible. This is an action that is followed as best practices and should not have operational impact. This language serves to strengthen the intent of this regulation.

Requirements for cross gender supervision were deleted from this regulation; this requirement is not appropriate in the search regulation. Such provisions are covered elsewhere in regulation.

Proposed revisions also add that policy and procedure address cross gender searches and searches of transgender youth. Many agencies do not currently have such policy and run into difficulty when confronted with such a search. Requiring policy and procedure as a practice will ensure that such searches occur in a proper manner.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1361. Grievance Procedure.** This regulation outlines requirements for grievance procedures. Proposed revisions add the terms “mistreatment, harassment and violations of the nondiscrimination policy” to ensure that policy and procedure specifies that such actions are grievable by youth. This revision will ensure that actual practice is reflected in policy.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1362. Reporting of Incidents.** This regulation outlines the requirements for reporting incidents. Proposed revisions clean up language to be grammatically correct and delete the phrase “of a juvenile facility.” Since these regulations pertain specifically to juvenile detention facilities, this term doesn’t need to be repeated.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1363. Use of Reasonable Force to Collect DNA Specimens, Samples, Impressions.** This regulation outlines the requirements for when force is used to collect a DNA sample. Proposed revisions delete requirements that sunset in the legislation. There is no operational impact.

**Section 1370. Education Program.** This regulation outlines the requirements for education programs in juvenile detention facilities. Proposed revisions clarify that the annual review of a facility’s education program be conducted by an objective individual or qualified outside agency who does not work on-site or for the program being reviewed. Revisions also include that the facility administrator and school superintendent take any corrective action required in the report. This revision does not affect the operational intent of this regulation; in fact, it strengthens the intent that the review be non-biased in nature and should serve to ensure the quality of the education program.

Proposed revisions include adding reference to “all applicable federal education statutes and regulation” to ensure that agencies are aware of their responsibilities. This is a clarification of a requirement that is already in place and will not have operational or fiscal impact.

Language was added to clarify that GED preparation shall be “made available” rather than “provided” to clarify the intent of subsection b(2).

Proposed revision adds subsection b(3) to require that supplemental instruction be available for youth who may not be able to pass the California High School Exit Exam (CAHSEE). This change will ensure that this availability is made when applicable. This change reflects current practice and requirements in State Education Code and should not impact operations.

Revision is proposed for subsection b(4) (previous b(3)) to require that the facility administrator and education staff collaborate to ensure that facility operations do not interfere with mandated minimum school days. This change will not affect operational intent and will help enhance compliance with State Education Code. There will not be any fiscal impact since this is currently a requirement.

Proposed revisions to subsection d(3) adds the correct technical language to describe limited English proficient and English learners. The regulation clarifies that such youth be afforded a program pursuant to all applicable state and federal laws. This change will not affect facility operations or cause fiscal impact since the new language strengthens the intent of the current regulation.

Proposed revisions add the youth's school history to the list of items that document educational history. This is a reflection of current practice and will not affect operations or impose fiscal impact.

Proposed revisions clarify the material required in a Home Language Survey to be consistent with the State Education Code and include that special education eligibility is documented where appropriate. There is no fiscal or operational impact.

Revisions also clarify in subsection e(2) that youth are enrolled in school as soon as possible, not to exceed three days. This language change clarifies the intent of the regulation and does not impact operations or budget.

Subsection e(4) is modified to clarify that education staff immediately request the youth's records from his or her prior school and expands the list of supplemental information to include other applicable materials. This revision reflects current practice and State Education Code requirements and will not affect operations or budget.

Proposed revisions replace the term "minor" with "youth," a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1371. Recreation, Programs and Exercise.** This regulation outlines the requirements for recreation and exercise in a juvenile detention facility. Proposed revisions include adding the term "programs" to the title to emphasize the current practice of providing programming within the daily schedule.

Proposed revisions also add language specific to the intent of the regulation, which is to maximize the amount of time that youth spend out of their rooms. Although this is currently a generally accepted concept, it is important that this intent be codified as more programming options are afforded to facilities.

Revisions also include reordering the regulation to match the activities in the title. This will establish the requirement for specific timeframes dedicated to such activities and to give each function of this regulation its own subsection.

The recreation subsection was reworded to ensure that at least one hour is given for leisure time activities. Other revisions cleaned up the language. The requirement for the daily schedule was removed from this subsection, since it is already required in (b).

A new subsection (d) was added to allow programs during the facility daily schedule, to include those that are already required by regulation.

The exercise requirement was rewritten to specify that at least one hour of large muscle exercise continues to be provided in the daily schedule. The requirement for this exercise to be outdoors was removed, since many facilities are able to provide large muscle exercise indoors.

The requirement for at least one hour of outdoor activity remains in the regulation; the workgroup anticipates that most facilities will continue to accomplish large muscle exercise outdoors. This revision separates the requirement for large muscle exercise to be provided outdoors.

The requirements for youth on discipline were separated for clarification to ensure that youth receive their one hour of large muscle exercise while on disciplinary status, and that recreation and programs can only be suspended for 24 hours.

**Section 1374. Visiting.** This regulation outlines the requirements for visits in juvenile detention facilities. Proposed revisions add the requirement that youth are able to visit with their biological children.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1375. Correspondence.** This regulation outlines policy and procedure requirements for correspondence within the juvenile detention facility. Proposed revision replace Corrections Standards Authority with Board, reflecting legislative change. There is no operational impact.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1378. Social Awareness Program.** This regulation outlines the requirements for social awareness programs in juvenile detention facilities. Proposed revisions add tolerance and diversity programs to the list of programs that may be provided to youth.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1390. Discipline.** This regulation outlines actions that are prohibited in facility disciplinary procedures and require administrators to establish rules of conduct. Proposed revisions update and modernize language with respect to youth with disabilities or limited English proficiency or literacy. There is no operational impact.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1391. Discipline Process.** This regulation outlines requirements for the facility discipline process. Proposed changes include replacing the term “penalties” with “consequences” to better reflect the intent of discipline processes in juvenile detention facilities. This change will not have operational impact.

Proposed revisions also reword section (d), also using the term “consequence” in place of penalty. This revision will also remove language regarding “segregation for a minor violation shall not exceed 24 hours.” It is clear in the section for major violations that only such violations may result in withdrawal from group activities for more than 24 hours.

The provision for major rule violation is rephrased to include “withdrawal from group activities for 24 hours or more.” Workgroup members felt that this term better reflects actual practice, since not all major rule violations will include 24 hours or more of segregation. The workgroup also noted that if room confinement is used, that the youth may be brought into school and participate in mandated programs, if appropriate.

Proposed revisions include adding that camp removals that do not result in a return to court, such as a probation violation, must receive due process. This is a practice that is currently being followed in the field and there will likely be no operational impact.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1401. Patient Treatment Decisions.** This regulation states that decisions made regarding the youth’s treatment are the sole province of licensed health care professionals. Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1402. Scope of Health Care.** This regulation requires policy and procedures that outline the scope of health care in the facility. Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1409. Health Care Procedures Manual.** This regulation requires that the health administrator and the facility administrator coordinate to develop a healthcare procedures manual. Proposed revisions would change the requirement to annually review health care procedures manuals to a biennial review. This is an appropriate change and reflects current practice in adult detention facilities. It will allow time for thoughtful and meaningful reviews of such policies and procedures.

Proposed revisions add the term “implement” to the requirement that facility administrators develop and maintain policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1413. Individualized Treatment Plans.** This regulation outlines requirements for the development of individualized treatment plans for youth. Proposed revisions will ensure that youth who have special needs, such as privacy, during hygiene will be considered in an individualized treatment plan. Many counties already address such issues in policy and procedures, this addition will ensure that all counties address the issue.

There may be minor operational and fiscal impact for those facilities that have to add this requirement to their manuals.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1431. Intoxicated and Substance Abusing ~~Minors~~ Youth.** This regulation requires that policy and procedures be developed to address intoxicated and substance abusing youth. Proposed revision would delete the requirement that medical clearance at booking is obtained when youth display outward signs of intoxication or are suspected to have ingested a substance that could result in a medical emergency. This requirement will be replaced with language that requires medical clearance if the youth is intoxicated to the extent that they are a threat to their own safety and security.

This revision will clarify the intent that the booking officer should have some discretion when determining whether a clearance is required. Not all youth who may have ingested an intoxicating substance will require medical clearance. This change will allow agency policy and procedure to clarify what the threshold is.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1432. Health Appraisals/Medical Examinations.** This regulation requires that there be a health appraisal conducted on each youth within 96 hours of admission to the facility. Proposed changes would exclude holidays from the 96 hour requirement; this will help facilities that won’t have a physician outside of that time period. Operations would not be affected.

Proposed changes also delete the requirement for Pap smears during the health appraisal, because the American College of Obstetricians and Gynecologists’ guidelines excludes pap testing for females under age 21 unless they have been sexually active or complain of pelvic pain. The requirement for requesting a pap smear is replaced in areas that would require additional testing if clinically indicated.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1433. Requests for Health Care Services.** This regulation requires that policies and procedures outline a routine for youth to obtain both emergency and non-emergency health care. Proposed revision would delete the term “designated” from staff that inquire and make observations of the health of each youth, as any and all staff should be inquiring into the health of youth, not just “designated” staff. This reflects actual practice in juvenile detention facilities.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1434. Consent for Health Care.** This regulation outlines the requirement for policies and procedures relevant to consent for health care. The proposed revision adds reference to the updated Welfare and Institutions Code Section 739 that was recently amended by enacted Senate Bill 913. This law allows the probation officer to provide consent for the minor for certain examinations provided a parent or guardian cannot be located.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1435. Dental Care.** This regulation outlines the requirements for dental care in juvenile detention facilities. Proposed revisions would require that preventative services be provided. The facility/health administrator will need to consult with a dentist to determine the needs of the facility population.

Proposed revision will also require that an annual dental exam be provided to youth who are in the facility longer than a year. This is consistent with nationally accepted guidelines for dental care in youth.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1437. Mental Health Services and Transfer to a Treatment Facility.** This regulation outlines the requirements for policy and procedure to provide mental health services. Proposed revisions will require that facilities provide transition planning for youth who are undergoing mental health treatment to receive appropriate services upon release or transfer. This requirement will apply to youth currently undergoing treatment; there is not an expectation that all youth who are screened receive transition plans. This requirement reflects current practice in many facilities and should not have significant operational impact.

Proposed revisions also clarify that facilities have the option to provide appropriate evaluation and treatment on site. Facilities with appropriate on-site mental health staff are already providing this service. This is not an additional requirement for facilities that are unable to provide this service; there should be no operational impact.

Proposed revisions will strike reference to specific statute and refer to “applicable statutes” to ensure consistency if there are legislative changes and to allow for flexibility if other statutes may apply.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1438. Pharmaceutical Management.** This regulation requires that there be policy and procedure for pharmaceuticals at the facility. Proposed revisions will require that the length of

time allowable for a physician's signature not exceed seven (7) days. This will ensure that orders are signed within a reasonable time. This timeframe is consistent with community standards.

Proposed revisions also add transition planning to policy and procedures. This will ensure consistency when a youth is being transferred to placement, another facility, or is being discharged.

Proposed revisions replace the term "minor" with "youth," a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term "and implement" to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1439. Psychotropic Medications.** This regulation outlines the requirements for policy and procedures for psychotropic medications. Proposed revisions delete reference to a physician signing verbal orders within 72 hours since this will be covered in overall pharmaceutical management.

Proposed revisions add the term "and implement" to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

Proposed revisions replace the term "minor" with "youth," a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

~~**Section 1450. Suicide Prevention Program.**~~ The current regulation requires policy and procedure specific to suicide prevention in juvenile detention facilities. The current regulation is being deleted and replaced with a new section in the administrative portion of Title 15.

**Section 1453. Sexual Assaults.** This regulation outlines the policy and procedures for treating victims of sexual assault and reporting assaults. Proposed revisions add the term "and implement" to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1454. Participation in Research.** This regulation outlines the requirements for policy and procedure governing youth participation in research. Proposed changes will specify that in multi-facility systems, there must be a plan specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Proposed revisions replace the term "minor" with "youth," a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1461. Minimum Diet.** This regulation outlines the minimum diet requirements for juvenile detention facilities. Proposed revisions update reference to the most recent California Food Guide and the Dietary Guidelines for Americans. This should not impact operations.

Proposed revisions delete the reference to spices and appeal of food in the second paragraph.

Proposed revisions reiterate that one serving of fruits and vegetables may be served each day, or that seven servings may be provided over a seven day period. This will allow meal planning flexibility and will not affect operations.

Proposed revisions increase the number of servings of whole grains from three to four; this comports with the 2010 Dietary Guidelines for Americans.

Caloric intakes in section (e) are updated to reflect the current levels on the 2010 Dietary Guidelines for Americans. Facilities will be required to take into account the youths' levels of activity when calculating actual calories. There should not be fiscal and operational impact since menus are continuously reviewed and updated.

A new section (f) is proposed to require jurisdictions to reduce the level of sodium intake in accordance with the 2010 Dietary Guidelines for Americans. Reference to using spices was moved to this new section, and use of herbs was added. Since agencies must comply with these guidelines, there should not be operational impact as a result of this change.

Proposed revisions replace the term "minor" with "youth," a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1464. Food Service Plan.** This regulation outlines the policy and procedure requirements for a facility's food service plan. Proposed changes will specify that in multi-facility systems, there must be a food service plan specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Revisions update the reference to the California Retail Food Code (CalCode) that replaced CURFFL.

**Section 1465. Food Handlers Education and Monitoring.** This regulation outlines the requirements for policy and procedures regarding food handlers training and education. Proposed revisions update the reference to the applicable section of the Health and Safety Code and update the reference to the California Retail Food Code (CalCode) that replaced CURFFL.

**Section 1466. Kitchen Facilities, Sanitation, and Food Storage.** This regulation outlines specific requirements and statutory references for sanitation and food service in kitchen facilities. Changes include non-substantive code and section reference changes only; there is no operational change.

Proposed revisions replace the term "minor" with "youth," a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1467. Food Serving and Supervision.** This regulation outlines requirements for policy and procedures specific to food serving and supervision. Proposed revisions add the requirement for site specific procedures to clarify that multi-facility systems are have procedures specific to each facility. This change reflects actual practice.

**Section 1480. Standard Facility Clothing Issue.** This regulation outlines the requirements for clothing issue. Proposed revisions add undergarments to the list of personal clothing that may be substituted for institutional clothing. This is an option, not a requirement, and will not impact operations.

Proposed revisions require that clothing be laundered according to local ordinances, reducing the potential for infectious disease transmission. Juvenile detention facilities are inspected by local health officers and should be meeting these local requirements in practice already. If counties are currently not following local ordinance, they may be have to purchase new equipment or modify current washing machines to boost water temperature.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1482. Clothing Exchange.** This regulation requires that policy and procedure be developed for cleaning of clothing and clothing exchange. Proposed changes will specify that in multi-facility systems, there must be a plan for cleaning and clothing exchange specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1484. Control of Vermin in ~~Minors’~~ Youths’ Personal Clothing.** This regulation requires that there are policy and procedures developed to address the control of vermin in juvenile detention facilities.

Proposed changes will specify that in multi-facility systems, there must be a vermin control plan specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implemented” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1485. Issue of Personal Care Items.** This regulation requires that policy and procedure be developed for the issuance of personal hygiene items. Proposed changes will

specify that in multi-facility systems, there must be a plan for issuing personal hygiene items specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implemented” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1486. Personal Hygiene.** This regulation requires that policy and procedure be developed for personal hygiene. Proposed changes will specify that in multi-facility systems, there must be a personal hygiene plan specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implemented” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1487. Shaving.** This regulation outlines the requirements for youth to shave in detention facilities. Proposed revisions clarify that male youth be allowed to shave their face daily. This will ensure that youth not expect to be allowed to shave other body parts, such as their heads. This change should not affect facility operations.

Revisions will require that female youth be allowed to shave their armpits and legs on a weekly basis; this may impact facilities who interpreted this regulation as not applicable to female youth.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1488. Hair Care Services.** This regulation requires that there be policies and procedure for hair care services in accordance with relevant statute. Proposed changes will specify that in multi-facility systems, there must be a hair care service plan specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

**Section 1501. Bedding and Linen Exchange.** This regulation outlines requirements for bedding and linen exchange. Proposed changes will specify that in multi-facility systems, there must be a laundry exchange plan specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1502. Mattresses.** This regulation describes the requirements for mattresses in a juvenile detention facility. The proposed language will clarify that mattresses meet applicable standards at the time of purchase.

Proposed revisions replace the term “minor” with “youth,” a more acceptable and relevant term in juvenile detention. This is a nonsubstantive change and will not have operational or fiscal impact.

**Section 1510. Facility Sanitation, Safety and Maintenance.** This regulation outlines policy and procedures for regulation maintenance of sanitation and safety in the facility. Proposed changes will specify that in multi-facility systems, there must be a facility sanitation plan specific to each location. It is likely that this practice occurs in reality; this revision will clarify this requirement.

Revisions will also require that restraint devices are included as equipment that must be regularly cleaned. This will help reduce the incidence of disease transmission via such devices.

Proposed revisions add the term “and implement” to the requirement that facility administrators develop policy and procedures. This addition will not affect operations and will clarify that policy must be implemented upon its development.

## PURPOSE

These revisions were made to enhance the operation of local juvenile detention facilities, and provide facility administrators with clear guidance on best practices in the field. While there are no specific problems that these revisions intend to address, they do incorporate current best and evidence-based practices and reflect any relevant changes in applicable statute. Benefits of these revisions will include enhanced safety and security of local juvenile detention facilities and continued protection of residents, staff and the public.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

Except for the Office of Juvenile Justice and Delinquency Prevention Bulletin, “Characteristics of Juvenile Suicide in Confinement,” the BSCC did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the BSCC.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The BSCC has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS.

The BSCC has determined that, the proposed regulations would not have a significant statewide adverse economic impact directly on businesses.