

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
BOARD OF STATE AND COMMUNITY CORRECTIONS

REGARDING THE MINIMUM STANDARDS FOR JUVENILE FACILITIES,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, SECTION 13-201 AND PART 2, SECTION
1230

MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LOCAL JUVENILE
DETENTION FACILITIES

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

Section 13-201

The terms “minor” and “child” have been replaced with the term “youth” throughout, reflecting appropriate use of the terminology, and Corrections Standards Authority has been replaced with Board, reflecting legislative change.

This section defines terms used throughout these regulations, and outlines requirements for constructing a juvenile detention facility. To provide clarity and consistency, several regulations have been modified, deleted, or added.

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

3. Operational program statement.

This section describes the requirements and the elements of the operational program statement that must be submitted to the Corrections Standards Authority in the event that local government intends to construct a local detention facility.

The proposed revision clarifies that the operational program statement must be submitted with schematic architectural plans when the “design-bid-build” construction process is being utilized. In the event that the “design-build” construction process is being utilized, language was added to require the operational program statement be submitted with performance criteria or performance criteria and concept drawings. There is no operational impact.

5. Submittal of plans and specifications.

This section outlines the requirements for construction of plans and specifications. The proposed revision clarifies that only one set of plans be submitted during each of the schematic, design development and construction document phases of design for “design-bid-build” projects. This revision aligns this regulation with current procedures for plan review; there is no longer a resident State Fire Marshal officer at CSA, and thus, no longer reason for two sets of plans to be submitted to CSA. The term “construction document phase” better represents the “final working plans and specifications.”

For “design-build” projects, one set of preliminary drawings and one set of working drawings are required to be submitted prior to a request for proposals. This requirement is in line with current CFC regulations and SB 81 projects.

6. Design requirements.

This section outlines specific requirements for the design of local juvenile detention facilities. Proposed revisions add Title 24, Part 2 to Section (B) 1 of the regulation to update the appropriate regulatory cite. State Fire Marshal fire safety regulations are currently located in Title 24, Part 2 as well as Title 19. There is no operational impact.

Proposed revisions would add the statement: “and any other vent or security cover” at subsection B(2)c clarifying the intent of the existing regulation, that all vents or covers mitigate suicide hazards. There is no operational impact.

Subsection B(2)h was modified to require a minimal telephone cord length to reduce the likelihood of its use as a ligature, rather than a “minimum length” for use. The term “minimum length” is too subjective.

Proposed revisions update the reference to the California Retail Food Code in Section (B) 3. This revision is consistent with replacement of the California Uniform Retail Food Facilities Law. There is no operational impact.

Proposed revisions replace the term “comfortable” in Section B(6) with generally accepted. Members felt that the term “generally accepted” is less subjective than “comfortable,” especially with the diversity of climates in the state. The regulation continues to require heating and cooling systems to be designed consistent with regulations. There is no operational impact.

Proposed revisions delete the reference to Part 6, California Energy Code, since detention facilities are exempt from such requirements.

Subsection (11) was added to require a sewage system capable of addressing items that may impact wastewater systems. This was added to ensure that sewer system design take into consideration the potentially damaging items that may be flushed in a detention facility. Several local jurisdictions have opposed certain construction and design because of impact to local waste water systems; this regulation will emphasize that agencies consult with local representatives to ensure that waste water systems are not negatively impacted by a detention facility’s sewage system.

PART 2

1230.1.2 Locked holding room.

This regulation outlines the requirements for locked holding rooms. In 2003, this regulation was revised to require that doors swing outward or slide laterally and also added updated some additional language. Revisions also added language regarding access to toilets, wash basins and drinking fountains. This language was omitted in the most current Building Standards code; these revisions will replace the original language.

1230.1.4 Corridors.

This regulation outlines the requirements for corridor width in juvenile detention facilities. Proposed revisions update the term “hallway” to “corridor” for consistency. There is no operational or fiscal impact as a result of this change.

1230.1.5 Living unit.

This regulation outlines the parameters of a living unit. Proposed revisions would remove the language that specifies a “permanent or temporary barrier” and replace it with the phrase “divided in a way that hinders direct access, supervision or immediate intervention. The language “permanent or temporary barrier” is very restrictive, and does not offer agencies flexibility where policies and procedures or facility design mitigates a specific concern.

There should be no negative operational impact as a result of this change; on the contrary, agencies may find relief where their facility design does not hinder direct access.

1230.1.6 Locked sleeping rooms.

This regulation outlines the requirements for locked sleeping rooms. In 2003, this regulation was revised to require that doors swing outward or slide laterally and also added the word “view” before panel. Revisions

also deleted the language regarding access to toilets, wash basins and drinking fountains. This language was omitted in the most current Building Standards code; these revisions will replace the original language.

1230.1.7 Single occupancy sleeping rooms.

This regulation outlines the requirements for single occupancy sleeping rooms. In 2003, this regulation was revised to require that doors swing outward or slide laterally and also added the word “view” before panel. These revisions also updated square footage from 63 square feet to 70 feet. This language was omitted in the most current Building Standards code; these revisions will replace the original language.

1230.1.8 Double occupancy sleeping rooms.

This regulation outlines the requirements for double occupancy sleeping rooms. In 2003, this regulation was revised to require that doors swing outward or slide laterally and also added the word “view” before panel. This language was omitted in the most current Building Standards code; these revisions will replace the original language.

1230.1.23 Emergency power.

This regulation requires that there be a source of emergency power in all juvenile detention facilities. Proposed revisions will not have any operational or fiscal impact, addition to regulation is simply clarifying applicable statute.

1230.1.25 Special-purpose juvenile halls.

This regulation outlines the requirements for special purpose juvenile halls. Proposed revisions delete reference to intensive supervision units in camps since the term is misleading and unnecessary, and is not referenced elsewhere in regulation. There will be no operational or fiscal impact as a result of this change.

1230.2.5 Beds.

This regulation outlines physical plant requirements for beds. During the 2006 Revision, the revisions for bunk beds were omitted from final regulations; these revisions will replace the original language.

1230.2.6 Lighting.

This regulation outlines lighting requirements; revisions correct grammatical errors, there is no operational impact.

1230.2.9 Weapons lockers.

This regulation outlines the requirement for weapons storage in all secure juvenile detention facilities. Proposed revisions will replace the term “security perimeter” with “secure area.” This is a more appropriate term and will not affect facility operations.

Proposed revisions also delete the requirement that personnel shall not bring weapons into the security area; PC 4574 authorizes individuals in charge of detention facilities to bring weapons into the facility. Deleting this statement realigns this regulation with state law. There is no operational impact as a result of this change.

PURPOSE

These revisions were made to improve the design and construction 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.

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.