

SUMMARY OF 2010 TITLE 15 AND TITLE 24 REVISIONS

Title 15 Revisions

1006. Definitions.

- Add definition for “Clinical evaluation,” clarifying who may perform such an assessment (as referred to in Article 11, Medical/Mental Health Services)..
- Add the following definitions for consistency with AB 900 and SB 81 projects:
 - “Concept drawings”
 - “Design-bid-build”
 - “Design-build”
 - “Performance criteria”
 - “Preliminary drawings”
 - “Working drawings”
- Replace “Corrections Standards Authority” with “Board” throughout.
- Replace the term “primary duties” in the definition of “Custodial Personnel” with “duties include.” This reflects actual practice and ensures that individuals whose duties include supervision receive adequate training.
- Add the definition “Facility watch commander.” This term is used throughout regulations, but had not been previously defined. The term does not distinguish rank, rather it is intended to indicate “officer in charge” or shift supervisor.
- Delete the definition “Licensed health care personnel;” the term is not used regularly in regulation.
- Delete the definition of “Managerial custodial personnel” since the term is not used in the regulations.
- Add the definition “May.” This term was not previously defined in regulation.
- Modify the definition of “safety checks” to specify that they are conducted at random intervals within timeframes prescribed in applicable regulations.
- Replace the term “detention” in the definition for “Secure detention” with “custody.”

1007. Pilot Projects.

- Clarify that *staff* notify recipients of acceptance of a pilot project. Previously said that the *Board* would notify.

1008. Alternate Means of Compliance

- Clarify that *staff* notify recipients of acceptance of an alternate means of compliance. Same as pilot project.

1012. Emergency Suspension of Standards.

- Clarify the statement that suspensions lasting more than 15 days require approval of the Board Chair and are effective for a specified time period.

1013. Criminal History Information.

- Clean up grammar.

1024. Court Holding and Temporary Holding Facility Training.

- Changes will reflect actual practice; when Core training is completed, staff is not required to complete additional training prior to working in a court or temporary holding facility.

1032. Fire Suppression Preplanning.

- Clarify that the facility's fire suppression pre-plan is developed in cooperation with the local fire department, not by the local fire department.
- Clarify language for "policy and procedures manual."

1044. Incident Reports

- Add the requirement that policies and procedures outline steps for the reporting of incidents in addition to the current requirement for maintenance of records.
- Delete the requirement that a written record be submitted to the facility manager within 24 hours of the incident. Agencies will have discretion to determine the appropriate timeframe.

1046. Death in Custody.

- Delete a redundant reference to the Board.

1051. Communicable Diseases.

- Require the facility administrator to specify what *symptoms* of communicable disease, rather than the specific disease require segregation. Staff should be able to objectively identify symptoms.

1055. Use of Safety Cell.

- Clarify that continued retention in the safety cell is reviewed with the approval of the facility manager, watch commander or physician.
- This revision also clarifies that the placement and retention review are conducted by the same individuals approving placement. Ensures that a high level review continues to take place.

1056. Use of Sobering Cell.

- Requires that safety checks of inmates in sobering cells be documented. Although implied, this requirement had not been previously stated in regulation.

1058. Use of Restraint Devices.

- Clarify that continued retention in restraints is reviewed with the approval of the facility manager, watch commander or physician.
- Same intent as 1055, Safety Cell.

1059. DNA Collection, Use of Force.

- Replaces the term “supervising officer” with “facility watch commander;” this is consistent with the new definition of facility watch commander.

1062. Visiting.

- Clean up grammar.

1063. Correspondence.

- Replace the term “mail” with “correspondence” in (b) to ensure that all forms of correspondence may be reviewed.

1069. Inmate Orientation.

- Add the requirement that inmate voting, including registration, be part of inmate orientation.

1072. Religious Observance.

- Add the term “practices” to the regulation to ensure that additional religious requirements are available.
- The intent is that items such as clothing, diet and other accessories may be included in religious practice. This is intended to be consistent with RLUIPA requirements.

1080. Rules and Disciplinary Procedures.

- Clean up grammar.

1081. Plan for Inmate Discipline.

- Replace the term “removing” with “segregating” to ensure clarity in the regulation.

1083. Limitations on Disciplinary Action.

- Update the phrase “cruel OR unusual” to “cruel AND unusual” punishment for consistency with federal requirements and case law.
- Include the requirement that reviews of inmates on disciplinary isolation be documented. This was implied, but was not made explicit in previous regulation.

1084. Disciplinary Records.

- Clean up grammar.

1100. Purpose.

- Clean up grammar.

1104. Supervision of Minors.

- Clarify language to ensure that safety checks are completed at least once in every 30 minute period.

1125. Psychotropic Medications for Minors in Jail.

- Eliminate the requirement that verbal orders must be signed by a physician within 72 hours. Each agency must determine an appropriate time frame for signature.

1140. Purpose, 1141. Minors Arrested for Law Violations, 1144. Contact Between Minors and Adult Prisoners, 1145. Decision on Secure ~~Detention~~Custody, 1146. Conditions of Secure ~~Detention~~Custody.

- Change the term “detention” to “custody”. Workgroup members felt that the term “custody” was more appropriate in the context of these regulations.

1143. Care of Minors in Temporary Custody.

- Delete the separate requirement for minors in locked rooms to be provided with blankets and clothing; all minors are provided with such items.

1147. Supervision of Minors in Secure Custody Held Inside a Locked Enclosure.

- Change the term “detention” to “custody”.
- Delete the term “unscheduled” before safety checks. The updated definition of safety checks addresses this issue.
- Replace the term “no less than every” with “at least once every” to clarify that safety checks are to be completed at least once in every 30 minute timeframe.

1148. Supervision of Minors in Secure ~~Detention~~Custody Outside of a Locked Enclosure.

- Change the term “detention” to “custody”.
- Replace the term “be present at all times” with “provide constant direct visual observation.” This is consistent with applicable regulatory definitions.

1149. Criteria for Non-Secure Custody.

- Change the term “detention” to “custody”.
- Proposed changes also delete the language “if a brief period of time is needed,” as it is unnecessary.

1151. Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody ~~Intoxicated and Substance Abusing Minors in a Lockup.~~

- Clarify expectations of custodial staff, but will not impact the current operation of law enforcement facilities that hold minors.
- The title of the regulation has been changed from Intoxicated and Substance Abusing Minors in a Lockup to Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody to reflect actual circumstances in temporary custody.
- Replace the term “intoxicated by any substance” to “being under the influence of drugs, alcohol or any other intoxicating substance,” reflecting actual practice, clarifying the intent of the regulation, and eliminating any confusion.

- Replace the term secure “detention” with secure “custody in a locked room.”
- Modify the requirements for safety checks of minors under the influence in secure custody from “no less than once every 15 minutes” to “at least once every 15 minutes.
- Add language specific to intoxicated minors who are in secure detention outside of a locked enclosure.

1203. Health Care Staff Qualifications.

- Clarify that the community standard is met and that health care personnel are working within the recognized scope of practice specific to their profession.

1205. Medical/Mental Health Records.

- Subsection (a) has been amended to add “in compliance with state statute to” and delete “which shall” prior to “include.”

1206. Health Care Procedures Manual.

- Require that manuals are reviewed every two years, rather than annually. This is consistent with recent changes to Section 1029, Policy and Procedures Manual for facility operations.

1208. Access to Treatment.

- Delete the requirement that evaluations for treatment be performed by licensed health personnel only. The revision includes that persons working under the authority of such persons may complete an assessment; this is consistent with community standards.
- Revisions also separate the requirement for a written plan for assessment and treatment from the requirement for identification and referral of inmates in need of care.

1217. Psychotropic Medications.

- Delete “in written form in the inmate’s record.” Many agencies use alternate methods of documentation.
- Delete language that states that a clinical evaluation could be conducted either in person or by telephone.
- Clarifies the requirement that a clinical evaluation to be performed in person by a health professional working, within his or her scope of license.
- Delete requirement that verbal orders shall be entered in the inmate’s record and signed by the physician within 72 hours. Each agency must determine an appropriate time frame for signature.

1241. Minimum Diet.

- Updates the Dietary Reference Intakes of the Food and Nutrition Board, Institute of Medicine of the National Academies, the California Daily Food Guide and the Dietary Guidelines for Americans.

- Clarifies that daily or weekly averages of food group requirements may be used.
- Clarifies the requirement that one serving of the dairy group may be from a fortified food containing 250 grams of calcium.
- Requires that for youth and pregnant inmates, there must be four servings of actual milk or milk based products. A fortified food cannot be supplemented.

Title 24 Proposed Revisions

13-102. (a) Definitions.

- See Title 15 Revisions above.

13-102 (b) Exclusions, 13-102 (c) 1. Letter of intent, 13-102 (c) 2. Needs assessment study, 13-102 (c) 4. Type III and Type IV facilities in existing buildings, 13-102 (c) 7. Pilot projects,

- Replace Board with Corrections Standards Authority.

13-102 (c) 3. Operational program statement.

- Replace Board with Corrections Standards Authority.
- 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.
- Adds an additional requirement for the management of minors in the operational program statement.

13-102 (c) 5. Submittal of plans and specifications.

- Replace Board with Corrections Standards Authority.
- Clarifies that only one set of plans be submitted for the schematic design, design development and construction document phases of design for “design-bid-build” projects. For “design-build” projects, one set of preliminary drawings and one set of working drawings are required to be submitted.
- Reference to the State Fire Marshal has been deleted.

13-102 (c) 6. Design requirements.

- Add Title 24, Part II 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 II as well as Title 19.
- Replace Board with Corrections Standards Authority.
- Add the statement: “and any other vent or security cover” at subsection B(2)c. clarifying the intent of the existing regulation.

- Subsection B(2)h was added to require a minimal telephone cord length to reduce the likelihood of its use as a ligature.
- 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.
- Delete the term “comfortable” in Section B(6).
- Reference to medical/mental health housing was moved to subsection B(15) and subsection B(14) was added to require a sewage system that is capable of addressing items that may impact wastewater systems.

13-102 (c) 8. Alternate means of compliance.

- Replace Board with Corrections Standards Authority.
- During previous revisions, the added text was submitted to, and approved by the Building Standards Commission for addition. Due to an error, however, the addition was not picked up in the official published version of the California Building Standards Code. This addition will correct this omission.

1231.2.5 Safety cell.

- Clean up grammar.

1231.2.8 Dormitories.

- Eliminate the requirement for secure storage space and require that only storage space for personal items be provided.
- Replacing the term “less” with “fewer” corrects an error made by the Building Standards Commission in their published code.

1231.2.9 Dayrooms.

- Delete the term “exclusive of circulation corridors of 3 feet (914 mm).”

1231.2.22 Audio monitoring system.

- Specifies those areas where the audio monitoring would be required.
- Requires that the audio monitoring system terminate at a location where staff can respond immediately, deleting language referencing a central control point.

1231.3.7 Windows.

- Adds the word “exterior.”

1231.3.12 Weapons locker.

- Delete unnecessary language; the current requirement is in conflict with Penal Code Section 4574 and is overly restrictive.