



Adult Titles 15 & 24 Regulations Revision

Executive Steering Committee Briefing Materials

December 2, 2019

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

2590 VENTURE OAKS WAY, SUITE 200 ♦ SACRAMENTO CA 95833 ♦ 916.445.5073 ♦ BSCC.CA.GOV

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Attachments

Attachment A: Discussion Guide

Attachment B: Original Public Comment Submissions

Attachment C: Current Adult Title 15 Regulations

Attachment D: Current Adult Title 24 Regulations

Board of State and Community Corrections

Chair, Board of State and Community Corrections **Linda M. Penner**

Secretary, Department of Corrections and Rehabilitation **Ralph Diaz**

Director, Division of Adult Parole Operations **Jeffrey Green**
Department of Corrections and Rehabilitation

County Sheriff in charge of a local detention facility **Dean Growdon**
which has a jail rated capacity of 200 or less inmates Lassen County

County Sheriff in charge of a local detention facility **William Gore**
which has a jail rated capacity of over 200 inmates San Diego County

Chief Probation Officer **Lee Seale**
from a county with a population over 200,000 Sacramento County

Chief Probation Officer **Michael Ertola**
from a county with a population under 200,000 Nevada County

Judge **Gordon S. Baranco**
Alameda County (retired)

Chief of Police **Andrew Mills**
Santa Cruz Police Department

Community provider of rehabilitative treatment or services **Scott Budnick**
for adult offenders Anti-Recidivism Coalition

Community provider or advocate with expertise in effective **David Steinhart**
programs, policies, and treatment of Commonweal – Juvenile Justice Program
at-risk youth and juvenile offenders

County Supervisor or County Administrative Officer **Vacant**

Public Member **Vacant**

**Adult Titles 15 and 24 Regulations Revision
Executive Steering Committee**

Brandon Barnes, Chair
Sheriff, Sutter County Sheriff's Office

Robert Handy, Chief of Police
Huntington Beach Police Department

Matthew Schuler, Assistant Sheriff
Contra Costa County Sheriff's Office

Jerry Gutierrez, Executive Officer
San Bernardino County Sheriff's Department

Dave Kent, Captain
Shasta County Sheriff's Office

Christine Brown-Taylor, Reentry Services Manager
San Diego County Sheriff's Department

Erin Winger, Deputy Agency Director
Orange County Health Care Agency
Correctional Health Services

**Cynthia Borges, Chief Mental Health Clinician/
Program Manager**
San Joaquin County Correctional Healthcare

Abre' Conner, Staff Attorney
ACLU of Northern California

John Jones, *Criminal Justice Advocate*

Pamila Lew, Senior Attorney
Disability Rights - California

Rick Heyer, Supervising Deputy County Counsel
Sacramento County Counsel

Adolfo Gonzales, Chief Probation Officer
San Diego County Probation Department

Eugene Dey, Founder & Executive Director
Outside Solutions Consulting

Agenda
December 2, 2019
Board of State and Community Corrections
Board Room
2590 Venture Oaks Way
Sacramento CA 95833
9:00 AM

There will be a working lunch during this meeting.

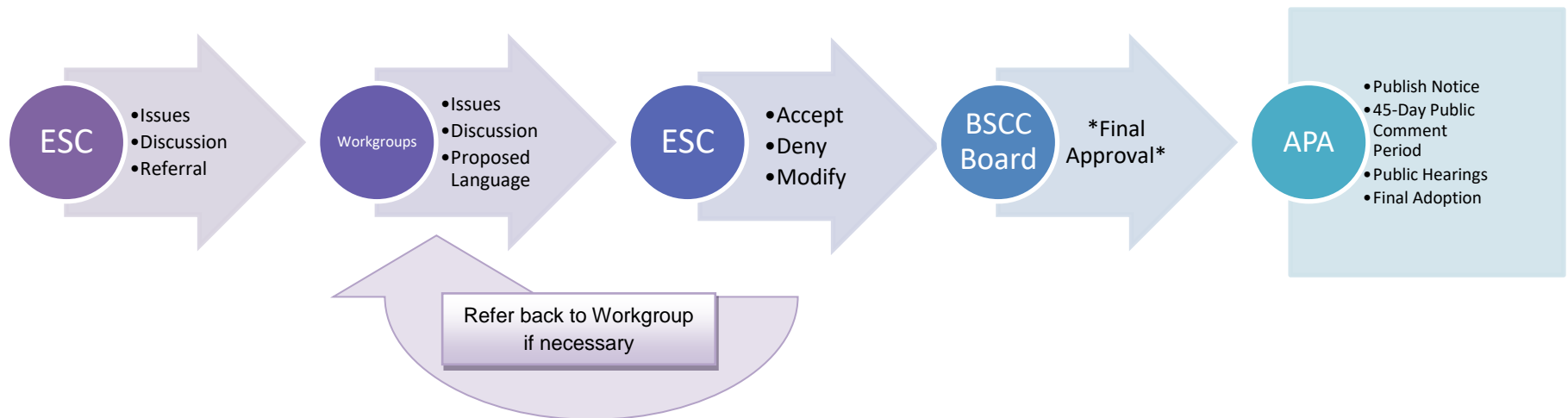
- A. Welcome and Introductions
 - Overview of the BSCC
 - Roles of BSCC Staff
 - Objectives for the Day
- B. Public Comment
- C. Role of the Executive Steering Committee
- D. Project Timeline and Scope
- E. Review Feedback from Field and BSCC Staff
- F. Develop Recommendations for Workgroups
- G. Determine Workgroup Structure and Direction
- H. Public Comment
- I. Adjourn

Role of the Executive Steering Committee and Workgroups

The Executive Steering Committee (ESC) identifies issues to be considered, recommends revisions, and provides direction to workgroups. The workgroups make proposed language changes to existing regulations and present these recommendations to the ESC for consideration. The ESC may accept, deny, or modify any of the workgroups recommendations. The ESC may also ask the workgroup to reconsider the proposed revision and ask for further information. The ESC will ultimately present the proposed regulations revisions to the BSCC Board for final approval.

Role of Staff

BSCC staff organize, assist, and act as a resource to the ESC and workgroups throughout the regulations revision process. Following Board approval, staff prepare documents that proceed through the Administrative Procedures Act (APA), as outlined in Government Code 11340, et seq and ensure that proposed revisions meet required clarity, consistency and format standards. Staff publish the BSCC's Notice of Proposed Action in the California Regulatory Notice Register, accept public comment during the 45-day period, if necessary, hold public hearings, incorporate any necessary modifications to the proposed language, and complete the APA process with the Office of Administrative Law.



Adult Titles 15 and 24 Regulations Review and Revision Process

Proposed Timeline; subject to change

Tentative Timeline	Activity
October 10 – November 25, 2019	<ul style="list-style-type: none"> · Solicit feedback from the field
December 2, 2019	<ul style="list-style-type: none"> · Executive Steering Committee meeting <ul style="list-style-type: none"> ○ Review feedback from the field and critical issues ○ Choose regulations and issues for review and amendment to workgroups
February/March 2020	<ul style="list-style-type: none"> · Workgroups meet
May/June 2020	<ul style="list-style-type: none"> · Executive Steering Committee meeting <ul style="list-style-type: none"> ○ Workgroup presentations of proposed amendments ○ Finalize regulation revision recommendations
July 2020	<ul style="list-style-type: none"> · Board of State and Community Corrections meeting <ul style="list-style-type: none"> ○ Executive Steering Committee recommendations ○ Approve proposed revisions ○ Permission to submit to the Department of Finance, Office of Administrative Law and Building Standards Commission for purpose of commencing public comment period on regulation revisions
August 2020	<ul style="list-style-type: none"> · Submit notice package to Office of Administrative Law (Title 15) · Publication date in California Regulatory Notice Register
August 2020	<ul style="list-style-type: none"> · Submit Economic Statement to Department of Finance for review
September – October 2020	<ul style="list-style-type: none"> · 45–day public comment period ends (Title 15) · Public hearing, location TBA · Return to BSCC Board, if necessary (will affect all following timeline activities)
November 2020	<ul style="list-style-type: none"> · File final regulations with Office of Administrative Law (Title 15)
December 2020	<ul style="list-style-type: none"> · Office of Administrative Law approval/disapproval notice (Title 15)
April, 2021	<ul style="list-style-type: none"> · Title 15 regulations become effective
<i>TBD, based on Building Standards Commission Code Adoption Cycles</i>	<ul style="list-style-type: none"> · Title 24 regulations must be adopted through the California Building Standards Commission. Timelines regarding their triennial and intervening code adoption cycles may be found at https://www.dgs.ca.gov/bsc

Statutes vs. Regulations

Statutes

Statutes are laws adopted by a legislative body and established in a formal document, such as the California Penal Code. Requirements in statute are mandatory, enforceable, and may only be amended by the state legislature.

Regulations

Regulations are administratively established by state agencies through the Administrative Procedures Act (APA), and may not be mandatory and enforceable. In the case of minimum standards for local detention facilities, it has been determined that, with some exceptions, that the regulations are advisory and not mandatory. Regulations “implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure” (Government Code Section 11342.600). Penal Code 6030, for example, requires the Board of State and Community Corrections to establish minimum standards for local detention facilities, and outlines the specific criteria that those regulations must contain, including health and sanitary conditions.

There are two basic types of regulations:

Prescriptive Standards: Specifies the sole means of compliance with a performance standard by specific actions, measurements, or other quantifiable means (Government Code, Section 11342.590). An example is Title 15, Section 1027, Number of Personnel, which requires hourly safety checks.

Performance Standards: Describes an objective with the criteria stated for achieving the objective (Government Code, Section 11342.570). Performance Standards indicate what is required without directing the jurisdiction how they should be implemented. These standards allow greater flexibility in addressing the objective. An example is Title 15, Section 1067, Access to Telephone. This regulation requires a facility administrator to provide reasonable access to a telephone, but does not define “access.”

Title 15, Operational Regulations

Administration

ARTICLE 1. GENERAL INSTRUCTIONS

- 1004. Severability.
- 1005. Other Standards and Requirements.
- 1006. Definitions.
- 1007. Pilot Projects.
- 1008. Alternate Means of Compliance.

ARTICLE 2. INSPECTION AND APPLICATION OF STANDARDS

- 1010. Applicability of Standards.
- 1012. Emergency Suspensions of Standards or Requirements.
- 1013. Criminal History Information.
- 1016. Contracts for Local Detention Facilities.
- 1018. Appeal.

ARTICLE 3. TRAINING, PERSONNEL, AND MANAGEMENT

- 1020. Corrections Officer Core Course.
- 1021. Jail Supervisory Training.
- 1023. Jail Management Training.
- 1024. Court Holding and Temporary Holding Facility Training.
- 1025. Continuing Professional Training.
- 1027. Number of Personnel.
- 1027.5. Safety Checks.
- 1028. Fire and Life Safety Staff.
- 1029. Policy and Procedures Manual.
- 1030. Suicide Prevention Program.
- 1032. Fire Suppression Preplanning.

ARTICLE 4. RECORDS AND PUBLIC INFORMATION

- 1040. Population Accounting.
- 1041. Inmate Records.
- 1044. Incident Reports.
- 1045. Public Information Plan.
- 1046. Death in Custody.
- 1047. Serious Illness or Injury of a Minor in an Adult Detention Facility.

Classification, Segregation, and Discipline

<i>ARTICLE 5. CLASSIFICATION AND SEGREGATION</i>
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- 1050. Classification Plan.
- 1051. Communicable Diseases.
- 1052. Mentally Disordered Inmates.
- 1053. Administrative Segregation.
- 1054. Administrative Removal – Type IV Facility.
- 1055. Use of Safety Cell.
- 1056. Use of Sobering Cell.
- 1057. Developmentally Disabled Inmates.
- 1058. Use of Restraint Devices.
- 1058.5. Restraints and Pregnant Inmates.
- 1059. DNA Collection, Use of Force.

<i>ARTICLE 7. DISCIPLINE</i>

- 1080. Rules and Disciplinary Penalties.
- 1081. Plan for Inmate Discipline.
- 1082. Forms of Discipline.
- 1083. Limitations on Disciplinary Actions.
- 1084. Disciplinary Records.

Programs and Services

<i>ARTICLE 6. INMATE PROGRAMS AND SERVICES</i>
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- 1061. Inmate Education Plan.
- 1062. Visiting.
- 1063. Correspondence.
- 1064. Library Service.
- 1065. Exercise and Recreation.
- 1066. Books, Newspapers, Periodicals, and Writings.
- 1067. Access to Telephone.
- 1068. Access to the Courts and Counsel.
- 1069. Inmate Orientation.
- 1070. Individual/Family Service Programs.
- 1071. Voting.
- 1072. Religious Observances.
- 1073. Inmate Grievance Procedure.

Minors in Detention

ARTICLE 8. MINORS IN JAILS

- 1100. Purpose.
- 1101. Restrictions on Contact with Adult Prisoners.
- 1102. Classification.
- 1103. Release Procedures.
- 1104. Supervision of Minors.
- 1105. Recreation Programs.
- 1106. Disciplinary Procedures.
- 1120. Education Program for Minors in Jails.
- 1121. Health Education for Minors in Jails.
- 1122. Reproductive Information and Services for Minors in Jails.
- 1122.5. Pregnant Minors.
- 1123. Health Appraisals/Medical Examinations for Minors in Jails.
- 1124. Prostheses and Orthopedic Devices for Minors in Jails.
- 1125. Psychotropic Medications for Minors in Jail.

ARTICLE 9. MINORS IN TEMPORARY CUSTODY IN A LAW ENFORCEMENT FACILITY

- 1140. Purpose.
- 1141. Minors Arrested for Law Violations.
- 1142. Written Policies and Procedures.
- 1143. Care of Minors in Temporary Custody.
- 1144. Contact Between Minors and Adult Prisoners.
- 1145. Decision on Secure Custody.
- 1146. Conditions of Secure Custody.
- 1147. Supervision of Minors in Secure Custody Inside a Locked Enclosure.
- 1148. Supervision of Minors in Secure Custody Outside of a Locked Enclosure.
- 1149. Criteria for Non-Secure Custody.
- 1150. Supervision of Minors in Non-Secure Custody.
- 1151. Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody.

ARTICLE 10. MINORS IN COURT HOLDING FACILITIES

- 1160. Purpose.
- 1161. Conditions of Detention.
- 1162. Supervision of Minors.
- 1163. Classification.

Medical/Mental Health

<i>ARTICLE 11. MEDICAL/MENTAL HEALTH SERVICES</i>

- 1200. Responsibility for Health Care Services.
- 1202. Health Service Audits.
- 1203. Health Care Staff Qualifications.
- 1204. Health Care Staff Procedure.
- 1205. Medical/Mental Health Records.
- 1206. Health Care Procedures Manual.
- 1206.5. Management of Communicable Diseases in a Custody Setting.
- 1207. Medical Receiving Screening.
- 1207.5. Special Mental Disorder Assessment.
- 1208. Access to Treatment.
- 1209. Mental Health Services and Transfer to Treatment Facility.
- 1210. Individualized Treatment Plans.
- 1211. Sick Call.
- 1212. Vermin Control.
- 1213. Detoxification Treatment.
- 1214. Informed Consent.
- 1215. Dental Care.
- 1216. Pharmaceutical Management.
- 1217. Psychotropic Medications.
- 1220. First Aid Kit(s).
- 1230. Food Handlers.

Nutritional Health

<i>ARTICLE 12. FOOD</i>

- 1240. Frequency of Serving.
- 1241. Minimum Diet.
- 1242. Menus.
- 1243. Food Service Plan.
- 1245. Kitchen Facilities, Sanitation, and Food Storage.
- 1246. Food Serving and Supervision.
- 1247. Disciplinary Separation Diet.
- 1248. Medical Diets.

Environmental Health

<i>ARTICLE 13. INMATE CLOTHING AND PERSONAL HYGIENE</i>

- 1260. Standard Institutional Clothing.
- 1261. Special Clothing.
- 1262. Clothing Exchange.
- 1263. Clothing Supply.
- 1264. Control of Vermin in Inmates' Personal Clothing.
- 1265. Issue of Personal Care Items.
- 1266. Showering.
- 1267. Hair Care Services.

<i>ARTICLE 14. BEDDING AND LINENS</i>

- 1270. Standard Bedding and Linen Issue.
- 1271. Bedding and Linen Exchange.
- 1272. Mattresses.

<i>ARTICLE 15. FACILITY SAFETY AND SECURITY</i>

- 1280. Facility Sanitation, Safety, and Maintenance.

Title 24, Physical Plant Regulations

A note about Title 24 Physical Plant revisions: changes made to Title 24 are not retroactive; newly adopted standards will apply to any new construction that occurs after the revisions are approved by the Building Standards Commission. Pursuant to Title 24, Section 13-102 (b) Exclusions, facilities are grandfathered under the standards they were built under, unless they may significant physical plant modifications.

<i>PART 1, CHAPTER 13, ADMINISTRATIVE REGULATIONS FOR THE BSCC</i>
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13-102 (a) Definitions. The following definitions shall apply:

13-102 (b) Exclusions.

13-102 (c) Initial planning for a local detention facility.

13-102 (c) 1. Letter of intent.

13-102 (c) 2. Needs assessment study.

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

13-102 (c) 4. Type III and Type IV facilities in existing buildings.

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

13-102 (c) 6. Design requirements.

13-102 (c) 7. Pilot projects.

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

<i>PART 2, CHAPTER 12, INTERIOR ENVIRONMENT</i>

1231.1	Definitions.	1231.3	Design criteria for furnishings and equipment.
1231.2	Design criteria for required spaces.		
1231.2.1	Reception and booking.	1231.3.1	Toilets/urinals.
1231.2.2	Temporary holding cell or room.	1231.3.2	Wash basins.
1231.2.3	Temporary staging cell or room.	1231.3.3	Drinking fountains.
1231.2.4	Sobering cell.	1231.3.4	Showers.
1231.2.5	Safety cell.	1231.3.5	Beds.
1231.2.6	Single-occupancy cells.	1231.3.6	Lighting.
1231.2.7	Double-occupancy cells.	1231.3.7	Windows.
1231.2.8	Dormitories.	1231.3.8	Cell padding.
1231.2.9	Dayrooms.	1231.3.9	Mirrors.
1231.2.10	Exercise area.	1231.3.10	Seating.
1231.2.11	Correctional program/multipurpose space.	1231.3.11	Table/seat.
1231.2.12	Medical examination room.	1231.3.12	Weapons locker.
1231.2.13	Pharmaceutical storage space.		
1231.2.14	Medical care housing.		
1231.2.16	Commissary.		
1231.2.17	Dining facilities.		
1231.2.18	Visiting space.		
1231.2.19	Safety equipment storage		
1231.2.20	Janitors' closet.		
1231.2.21	Storage rooms.		
1231.2.22	Audio monitoring system.		
1231.2.23	Laundry facilities.		
1231.2.24	Emergency power.		
1231.2.25	Confidential interview rooms.		
1231.2.26	Attorney interview space.		