

## **Frequently Asked Questions About Filing a Complaint About Conditions in Local Adult Detention Facilities (Jails)**

### **What is the role of the BSCC in handling complaints about local adult detention facilities?**

The BSCC does not have statutory or regulatory authority to investigate individual complaints regarding local detention facilities, facility staff, or an agency's policies or practices. Our role is limited to providing information related to our established authority under California Penal Code sections 6024, 6025, 6030, and 6031.

### **What is the BSCC's authority over adult local detention facilities?**

Under Penal Code sections 6030 and 6031, the BSCC is responsible for establishing minimum standards for adult local adult facilities and inspecting local adult detention facilities to determine compliance with Titles 15 and 24 Minimum Standards for Local Detention Facilities.

### **What does Title 15 and Title 24 compliance mean?**

Titles 15 and 24 of the California Code of Regulations establish minimum standards for the operation, design, and construction of adult and juvenile detention facilities. The BSCC establishes these minimum standards and inspects facilities to evaluate compliance with these standards. (Pen. Code, §§ 6025, 6030, & 6031.) Inspection reports are posted on the BSCC website.

### **Can the BSCC require a local adult detention facility to take corrective action?**

No. If an inspection identifies areas of noncompliance with Titles 15 or 24 of the California Code of Regulations, the BSCC requires submission of a corrective action plan and will continue to follow up and provide technical assistance to ensure progress toward compliance. The BSCC does not certify or license local adult detention facilities and does not have the authority to issue fines or order a facility to shut down for issues of noncompliance.

### **Does the BSCC inspect private, federal, or state prisons within California?**

No. The BSCC has regulatory authority over facilities operated by cities or counties, including temporary holding facilities.

- State prisons are operated and overseen by the California Department of Corrections and Rehabilitation (CDCR). In addition, the California Office of the Inspector General (OIG) has oversight over internal affairs investigations and the disciplinary process at CDCR. The OIG also conducts audits and reviews of policies, practices, and procedures of the department.
- Federal prisons and detention facilities are overseen by federal agencies, such as the U.S. Department of Justice Office of Inspector General.
- Privately operated prisons holding people on state or federal charges in California are monitored by the agency that contracts with them (for example, the federal government is responsible for overseeing federal contracts). These facilities are not subject to BSCC inspections or regulatory authority. The California Attorney General, however, has authority to

review the conditions of confinement of privately operated facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California. (Gov. Code, § 12532.)

**What does the BSCC do with complaints it receives?**

While the BSCC cannot investigate individual complaints, information received may be considered during the next inspection. The BSCC may also forward the individual complaint to the agency operating the facility, if appropriate, and the BSCC may also direct the complainant to the facility's contact information.

**Can the BSCC investigate my complaint about staff misconduct, use of force, or treatment of a person in custody?**

No. The BSCC does not have the authority to investigate individual complaints or incidents involving staff misconduct, use of force, or treatment of incarcerated individuals. These concerns must be directed to the local adult detention facility or agency responsible for local oversight and internal investigations. Agencies generally provide a form or process on their website for public complaints against staff.

**Where should I file a complaint with the local agency?**

Most agencies provide a complaint form or contact information on their website or the adult detention facility webpage.

**Who should I contact if I have concerns about a friend or family member's medical or mental health care in a local adult detention facility?**

For concerns about medical or mental health services, you should contact the agency regarding a friend or family member's care. In addition, if the quality of care is in question or more immediate attention is needed, you can contact the county's health authority, such as the county health department or behavioral health agency (see link below). The authority for local annual health inspections is outlined in Health and Safety Code section 101045.

BSCC does not have the authority to intervene in medical or mental health decisions for people in custody, but may forward information to staff at the appropriate agency for their awareness.

**How do I reach the local health authority for medical or mental health concerns?**

Each county has a designated health authority that oversees public health, medical services, and behavioral health programs. Contact information is available through the county's official website (see links below) or the detention facility's public information office.

**What should I do if I have concerns about conditions of confinement, such as sanitation, safety, or maintenance?**

Public members' concerns about conditions within a local adult detention facility should be directed to the facility's administration, and an incarcerated individual's concerns should be submitted by the incarcerated individual through the agency's established administrative grievance process. Agencies operating local adult detention facilities typically provide complaint procedures for both members of the public and individuals in custody. This information is typically provided on the agency's website.

When the BSCC receives a concern regarding conditions of confinement, the Field Representative assigned to inspect the facility is informed and will review the concerns during the next routine inspection. When appropriate, the Field Representative may also notify the local agency of the concerns raised so the agency can address them directly; however, the BSCC does not have the authority to intervene in or investigate individual cases.

**Are there any other entities that have oversight over local jails?**

Counties have the authority to establish civilian oversight bodies and local inspectors general offices. (Gov. Code, § 25303.7.) (E.g., San Diego County has established the Citizens Law Enforcement Review Board.) In addition, local grand juries have the authority to monitor and inspect the operations and conditions of local jails. (Pen. Code, § 919.)

**How can I request a copy of Title 15 or 24?**

The regulations may be accessed on the BSCC website (see link below).

**LINKS:**

**Local Health Departments:**

<https://www.cdph.ca.gov/Pages/LocalHealthServicesAndOffices.aspx>

**California Law Enforcement Agencies:**

<https://post.ca.gov/le-agencies>

**BSCC Titles 15 and 24 Minimum Standards for Local Detention Facilities:**

<https://www.bscc.ca.gov/regulation-resources/>