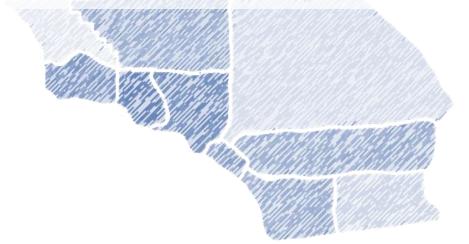


Adult Titles 15 & 24 Regulations Revision

Workgroup Briefing Book

March – April 2020



STATE OF CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS 2590 VENTURE OAKS WAY, SUITE 200 SACRAMENTO CA 95833 916.445.5073 BSCC.CA.GOV This page intentionally left blank.

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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 Department of Corrections and Rehabilitation	Jeffrey Green
County Sheriff in charge of a local detention facility which has a jail rated capacity of 200 or less inmates	Dean Growdon Lassen County
County Sheriff in charge of a local detention facility which has a jail rated capacity of over 200 inmates	William Gore 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
ŭ	Alameda County (retired)
Chief of Police	Andrew Mills Santa Cruz Police Department
Community provider of rehabilitative treatment or services for adult offenders	Scott Budnick Anti-Recidivism Coalition
Community provider or advocate with expertise in effective programs, policies, and treatment of Justice Program at-risk youth and juvenile offenders	David Steinhart Commonweal – Juvenile
County Supervisor or County Administrative Officer	Vacant
Public Member	Norma Cumpian Anti-Recidivism Coalition

Adult Titles 15 and 24 Regulations Revision Executive Steering Committee

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

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

Dave Kent, Captain Shasta County Sheriff's Office

Erin Winger, Deputy Agency Director

Orange County Health Care Agency Correctional Health Services

Abre' Conner, Staff Attorney ACLU of Northern California

Pamila Lew, Senior Attorney Disability Rights - California

Adolfo Gonzales, Chief Probation Officer

San Diego County Probation Department

Robert Handy, Chief of Police Huntington Beach Police Department

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

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

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

Rick Heyer, Supervising Deputy County Counsel Sacramento County Counsel

Eugene Dey, Founder & Executive Director Outside Solutions Consulting

Administration Workgroup

April 1 & 2, 2020

Kevin McConnell, Captain (Chair) San Francisco Sheriff's Office

Michelle Costeiu, Sergeant Alameda County Sheriff's Office Jim Bass, Chief Monterey County Sheriff's Office

Sonia Berlanga, Sergeant San Joaquin County Sheriff's Office

Kathy Podesto, Community Member

Robert Hadley, Lieutenant Butte County Sheriff's Office

Patrick Rowe, Deputy Sacramento County Sheriff's Department

Jeff Bell, Captain

James Peak, Lieutenant

Orange County Sheriff's Department

Anita Willis, Activist Essie Justice

Ed Little, Policy Advocate Californians for Safety and Justice

Shafter Police Department

Carrie Hill, Attorney National Sheriff's Association

Administration Regulations

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.
- 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.

Coott Moodon Lieutonout (Choin)

Scott Wooden, Lieutenant (Chair) Contra Costa County Sheriff's Office

Yvette Borden, Lieutenant Tehama County Sheriff's Office

Traci Kessler, Compliance Officer San Luis Obispo County Sheriff's Department

Shanta Ramdahol, Chief of Detention Nursing Contra Costa County Sheriff's Office

> Eugene Dey, Executive Director Outside Solutions Consulting

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Carl Darnell, Lieutenant San Diego County Sheriff's Department

> Keven Write, Lieutenant Kern County Sheriff's Office

Lucy Caltagirone, Staff Attorney II Disability Rights California

Keith Chandler, Criminal Justice Consultant Outside Solutions Consulting

> Ed Little, Policy Advocate Californians for Safety and Justice

Classification and Segregation Workgroup

March 11, 2020

Classification and Segregation Regulations

ARTICLE 5. CLASSIFICATION AND SEGREGATION

- 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.

ARTICLE 3. TRAINING, PERSONNEL, AND MANAGEMENT

1030. Suicide Prevention Program.

Programs and Services Workgroup

March 24, 2020

Michelle LeFors, Inmate Services Director (Chair) Fresno County Sheriff-Coroner's Office

Allison Ordille, Program Manager II San Luis Obispo County Sheriff's Department

Pam Rogers, Inmate Programs Manager Sacramento County Sheriff's Department

Michael Heck, Senior Program Director Community Solutions, Inc.

John Hendon, Compliance Officer Merced County Sheriff's Department Katie Ward, Social Services Manager Solano County Probation Department

America Velasco, Program Coordinator Marin County Sheriff's Office

Desiree Spignor, Associate Clinical Social Worker Anti-Recidivism Coalition

Lonnie Jones, Administrative Sergeant Tehama County Sheriff's Office

Patricia Ceballos, Program Manager San Diego County Sheriff's Department

Programs and Services Regulations

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

Minors in Detention Workgroup

April 2, 2020

Marc Summers, Deputy (Chair) San Bernardino County Sheriff's Department

> **Robert Foster, Officer** San Jose Police Department

Miguel Garcia, Policy Coordinator

Anti-Recidivism Coalition and Member of the State Advisory Committee on Juvenile Justice & Delinquency

Dr. B.J. Davis, Assistant Professor

Cal State Los Angeles, School of Criminal Justice & Criminalistics And Member of the State Advisory Committee on Juvenile Justice & Delinquency

Christina Gunter, Sergeant

Greenfield Police Department

Teresa Fulwiller, Supervisor Lodi Police Department Cal Expo Police Department

Michael Shacklett, Sergeant Riverside County Sheriff's Department

Amanda Clifford, Policy and Advocacy

Associate Bill Wilson Center And Member of the State Advisory Committee on Juvenile Justice & Delinquency

> Sean Morphis, Sergeant Bakersfield Police Department

Minors in Detention Regulations

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.

1160. Purpose.

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

County Behavioral Health Directors Association of California

Orange County Sheriff's Department

Chad Herman, Commander

Plumas County Sheriff's Office

Stevie Ellis, Compliance Deputy

Tulare County Sheriff's Office

Julie Leftwich, Attorney & Social Justice

Carrie Hill, Attorney National Sheriff's Association

Advocate

University of Nebraska

Mark Foxall, Professor

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Jim Bass, Chief (Chair) Monterey County Sheriff's Office

Tyler Rinde, Policy Advocate

James Peak, Lieutenant

Tia Mao, Nurse Los Angeles County Department of Public Health

Jackie Garcia, Community Member

March 10 & 11, 2020

Medical and Mental Health Workgroup

Medical and Mental Health Regulations

ARTICLE 11. MEDICAL/MENTAL HEALTH SERVICES

- 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 Workgroup

Meeting Date and Members TBD

Nutritional Health Regulations

ARTICLE 12. FOOD

- 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 Workgroup

Meeting Date and Members TBD

Environmental Health Regulations

ARTICLE 13. INMATE CLOTHING AND PERSONAL HYGIENE

- 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.

ARTICLE 14. BEDDING AND LINENS

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

ARTICLE 15. FACILITY SAFETY AND SECURITY

1280. Facility Sanitation, Safety, and Maintenance.

Title 24 Physical Plant Workgroup

March 18, 2020

Dan Dyer, Commander (Chair) Los Angeles County Sheriff's Department

Jesse Venegas, Lieutenant San Bernardino County Sheriff's Department

Darrell Stelling, Senior Principal AIA DLR Group

> April Lenkey, AIA Lenkey Consulting Group

Juan Cornejo, Sergeant Santa Monica Police Department

Paul Hernandez, Lieutenant Napa County Department of Corrections

> Richard Diaz, Staff Attorney Disability Rights California

Rob Crout, Lieutenant San Luis Obispo County Sheriff's Department

David Sepulveda, Captain Santa Clara County Sheriff's Department

> Spencer Meyer, Supervisor State Fire Marshal

Michael Harter, Lieutenant Riverside County Sheriff's Department

> Gary Cramer, Deputy Chief Corcoran Police Department

Cyrena Robles, Lieutenant Tulare County Sheriff's Office

> Anita Willis, Activist Essie Justice

Title 24 Physical Plant Regulations

<u>A note about Title 24 Physical Plant revisions</u>: 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.

PART 1, CHAPTER 13, ADMINISTRATIVE REGULATIONS FOR THE BSCC

- 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.

PART 2, CHAPTER 12, INTERIOR ENVIRONMENT

- 1231.1 Definitions.
- 1231.2 Design criteria for required spaces.
- 1231.2.1 Reception and booking.
- 1231.2.2 Temporary holding cell or room.
- 1231.2.3 Temporary staging cell or room.
- 1231.2.4 Sobering cell.
- 1231.2.5 Safety cell.
- 1231.2.6 Single-occupancy cells.
- 1231.2.7 Double-occupancy cells.
- 1231.2.8 Dormitories.
- 1231.2.9 Dayrooms.

- 1231.2.10 Exercise area.
- 1231.2.11 Correctional program/multipurpose space.
- 1231.2.12 Medical examination room.
- 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.
- 1231.3 Design criteria for furnishings and equipment.
- 1231.3.1 Toilets/urinals.
- 1231.3.2 Wash basins.
- 1231.3.3 Drinking fountains.
- 1231.3.4 Showers.
- 1231.3.5 Beds.
- 1231.3.6 Lighting.
- 1231.3.7 Windows.
- 1231.3.8 Cell padding.
- 1231.3.9 Mirrors.
- 1231.3.10 Seating.
- 1231.3.11 Table/seat.
- 1231.3.12 Weapons locker.

Type I and Temporary Holding Facilities Workgroup

March 25-26, 2020

Jennifer Estrada, Jail Administrator (Chair) Santa Monica Police Department

Ryan Anderson, Sergeant

Berkley Police Department

Mike Fisher, Sheriff Sierra County Sheriff's Office

Jonathan Wolent, Environmental Health Specialist Orange County Health Department

Pilar Chavez, Lieutenant Los Angeles County Sheriff's Department

James Buchanan University of Stanford Department of Public Safety

Erika Havrilchak, Jail Manager Redondo Beach Police Department

Michael Horne, Sergeant Santa Clara Police Department

Daisy Valencia, Correctional Assistant

Los Angeles County Sheriff's Department

John Benone, Lieutenant San Pablo Police Department

Kelly Martin, Custody Supervisor El Monte Police Department

Type I and Temporary Holding Facilities Regulations

TYPE I AND TEMPORARY HOLDING FACILITIES

Review of applicable regulations, see ESC Notes.

Safe Release of Inmates/Transportation and Discipline Workgroup

March 25, 2020

Sean Land, Lieutenant (Chair) Mariposa County Sheriff's Office

Eric McCuoid, Lieutenant Contra Costa County Sheriff's Office

> lan Silva, Lieutenant Kern County Sheriff's Office

Richard Diaz, Staff Attorney II Disability Rights California

Richard Mireles, Certified Alcohol and Drug Counselor II California Crop Organization **Sonia Berlanga, Sergeant** San Joaquin County Sheriff's Office

Sonya Manning, Lieutenant San Diego County Sheriff's Department

Cynthia Borges, Chief Mental Health Clinician San Joaquin County Sheriff's Office

Eugene Dey, Executive Director Outside Solutions Consulting

Safe Release of Inmates/Transportation and Discipline Regulations

SAFE RELEASE OF INMATES / TRANSPORTATION

Review of applicable regulations, see ESC Notes.

ARTICLE 7. DISCIPLINE

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

Workgroup Meeting Agenda

Board of State and Community Corrections 2590 Venture Oaks Way Sacramento CA 95833

There will be a working lunch during this meeting

A. Welcome

- Housekeeping
- Roundtable introductions
- B. Public Comment

C. Overview of Regulation Revision Process

- Role of ESC
- Role of Workgroups
- Role of Staff
- D. Review Goals and Outcomes

E. Develop Regulation Revision Recommendations **Public comment will be taken throughout this section**

- Review and discuss global topics
- Review and discuss each applicable regulation
- Review and discuss public comment and ESC notes
- Draft Recommendations for Revisions
- F. Review Decisions and Finalize Recommendations
- G Public Comment
- H. Adjourn

Role of the Executive Steering Committee

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

Role of the Subject Matter Workgroups

Workgroups review and consider ESC recommendations, public comments, national best practices and other issues and studies as applicable. Workgroups may also review "cross referenced" regulations where necessary, for instance, although Title 15 definitions are located in the Administration Workgroup's assigned regulation Article, each workgroup will review Section 1006 Definitions, as it is applicable across all regulation sections. Current statute, case law, best practices, current penological trends and any available empirical evidence will be considered when reviewing regulations for potential revision.

Workgroups will consider the following options when reviewing each regulation:

• No Change to Regulation

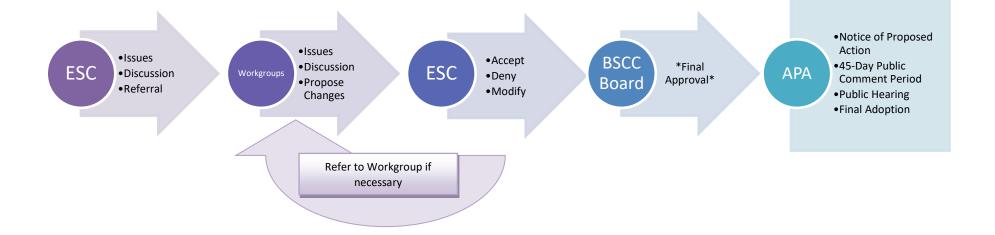
It is determined by the workgroup that the current regulation meets the needs of the field.

Recommend Changes to Regulation

It is determined by the workgroup that the current regulation *does not* meet the needs of the field. When changes to regulation text are proposed, the workgroup must provide clear rationale justifying the need for the proposed change(s), potential operational impact of the proposed change(s), and, potential fiscal impact of the proposed change(s).

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.



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."

Adult Titles 15 and 24 Regulations Review and Revision Process Proposed Timeline; subject to change

Tentative Timeline	Activity
October 10 – November 25, 2019	Solicit feedback from the field
December 2, 2019	 Executive Steering Committee meeting Review feedback from the field and critical issues Choose regulations and issues for review and amendment to workgroups
March/April 2020	Workgroups meet
June/July 2020	 Executive Steering Committee meeting Workgroup presentations of proposed amendments Finalize regulation revision recommendations
November 2020	 Board of State and Community Corrections meeting 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
November 2020	 Submit notice package to Office of Administrative Law (Title 15) Publication date in California Regulatory Notice Register
November 2020	 Submit Economic Statement to Department of Finance for review
January/February 2021	 45–day public comment period ends (Title 15) Public hearing, location TBA Return to BSCC Board, if necessary (will affect all following timeline activities)
March 2021	• File final regulations with Office of Administrative Law (Title 15)
April 2021	Office of Administrative Law approval/disapproval notice (Title 15)
October, 2021	Title 15 regulations become effective

TBD, based on Building	· Title 24 regulations must be adopted through the	
Standards Commission Code California Building Standards Commission. Timelines		
Adoption Cycles	regarding their triennial and intervening code	
	adoption cycles may be found at	
	https://www.dgs.ca.gov/bsc	