

STATE OF CALIFORNIA
BOARD OF STATE AND COMMUNITY CORRECTIONS



April 7, 2022
Board Meeting Agenda
& Reports



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Anti-Recidivism Coalition

NORMA CUMPIAN
Associate Director
Anti-Recidivism Coalition
Women's and Non-Binary
Services

BOARD MEETING AGENDA

AMENDED TO ADD PUBLIC LOCATION*

April 7, 2022 - 10:00 AM

**2590 Venture Oaks Way
Sacramento, California, 95833**

**Palm Springs Police Department
200 S Civic Drive Training Room A
Palm Springs, California, 92262**

***Anti-Recidivism Coalition
1320 East 7th Street Suite 260
Los Angeles, California, 90021**

Masking and social distancing are strongly recommended, but not required, for those participating in-person

Remote Public Participants:

To request to speak on an agenda item during the Board meeting, please email publiccomment@bscc.ca.gov

Please state in the subject line on which item you would like to speak

To submit written public comment on an agenda item, please email publiccomment@bscc.ca.gov

Routine items are heard on the consent calendar. All consent items are approved after one motion unless a Board member asks for discussion or separate action on any item. Anyone may ask to be heard on any item on the consent calendar prior to the Board's vote. Members of the public will be given the opportunity to give public comment during the Board's discussion of each item. There is a two-minute time limit on public comment unless otherwise directed by the Board Chair.

I. Call Meeting to Order

II. Information Items

1. Chair's Report

2. Executive Director's Report

- COVID-19 Update
- Briefing on the San Diego Sheriff's Department Audit Report: February 2022

3. Legal Update

- Attorney General Opinion No. 18-103 – Grand jury authority under Penal Code section 919, subdivision (b), applies to county jails

4. Legislative Update

III. Action: Consent Items

- A. Minutes from the February 10, 2022 Board Meeting: **Requesting Approval**
- B. Adult Regulation Revision: Approve Updated Revisions: **Requesting Approval**
- C. Tribal Youth Diversion Grant - Cohort I, Six-Month No-Cost Extension: **Requesting Approval**
- D. California Violence Intervention and Prevention Grant (CalVIP) Request for Proposals - Service Contract to Strengthen the Data Collection and Management Capacity of Grantees: **Requesting Approval**
- E. Establishing Rules for Members of Executive Steering Committees to Participate in Rater Training Remotely: **Requesting Approval**

IV. Action: Discussion Items

- F. Local Inspection Update: **Requesting Approval**
 - Requested Appearance - Merced County Sheriff: Update on Regulation Section 1027 (staffing) of Title 15 of the California Code of Regulations

G. Minimum Standards for Local Juvenile Detention Facilities, Title 15, and Title 24 Begin Regulation Revision Process, Appoint Co-Chairs: **Requesting Approval**

H. Reinspection of Los Angeles County Juvenile Hall – Determination of Suitability – (Welf. & Inst. Code, § 209, subd. (a)(4) & (d))

- Barry J. Nidorf Juvenile Hall, Los Angeles County

Requesting Approval

I. Presentation on Tribal Youth Diversion Grant by Sherwood Valley Band of Pomo Indians: **Information Only**

V. Public Comments

Public comment about any agenda items may be heard at this time.

VI. Adjourn

Next Board Meeting: June 9, 2022

Teleconference and Zoom Participation

Instructions for attendance appear on the last page of this agenda

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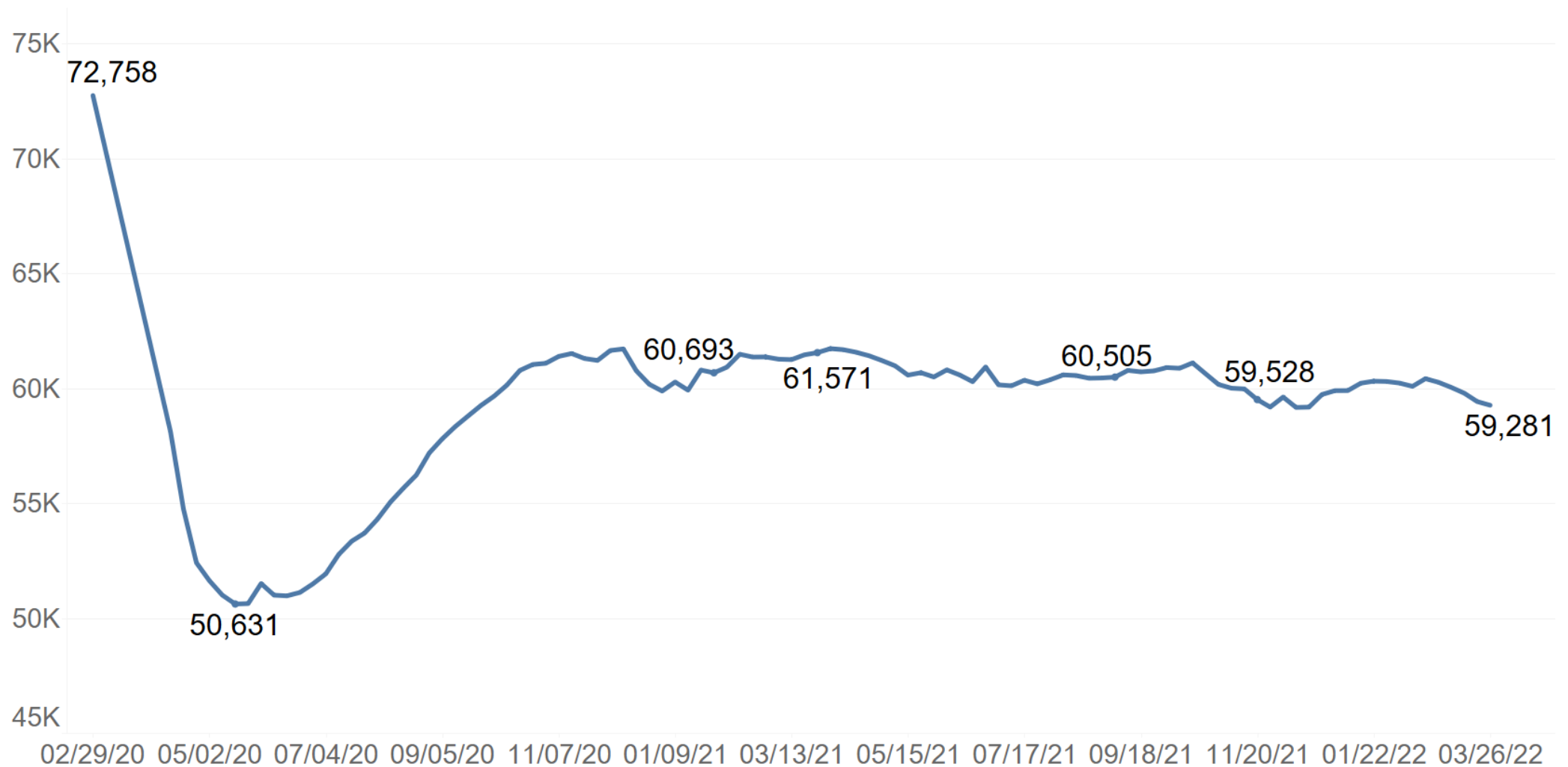
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For general information about the BSCC visit www.bscc.ca.gov, call (916) 445-5073 or write Board of State & Community Corrections, 2590 Venture Oaks Way, Ste 200, Sacramento CA 95833

Information Item 2
COVID - Update

Recent Population Trends in County Jails

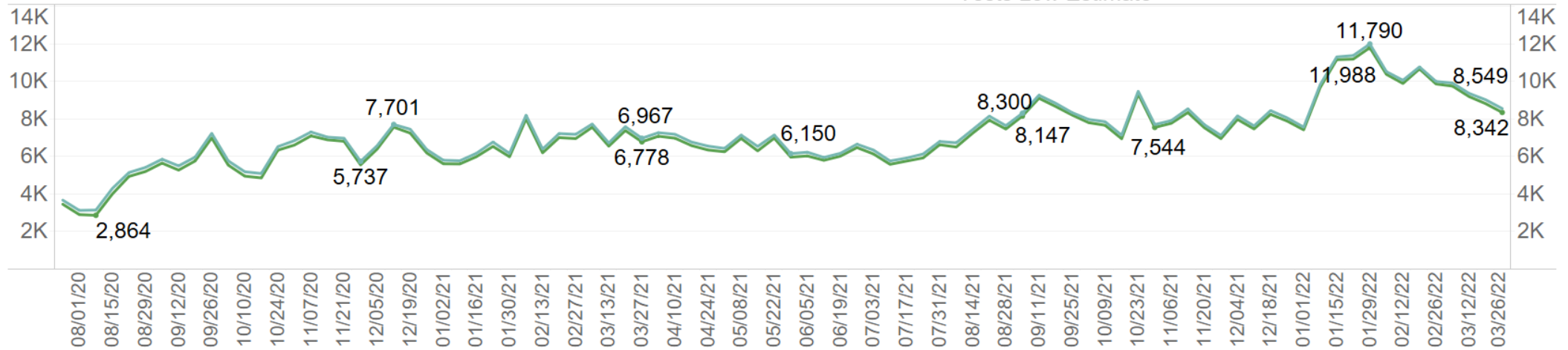
Statewide Average Daily Population of Detained People from 2/29/20 to 3/26/22



Recent COVID-19 Case Trends in County Jails

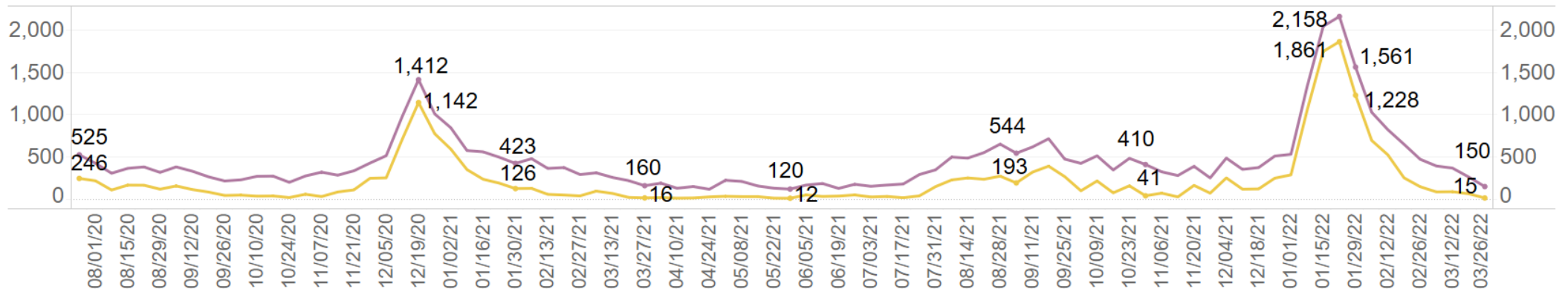
Total Number of Detained People Tested

Color Legend
 ■ Tests High Estimate
 ■ Tests Low Estimate

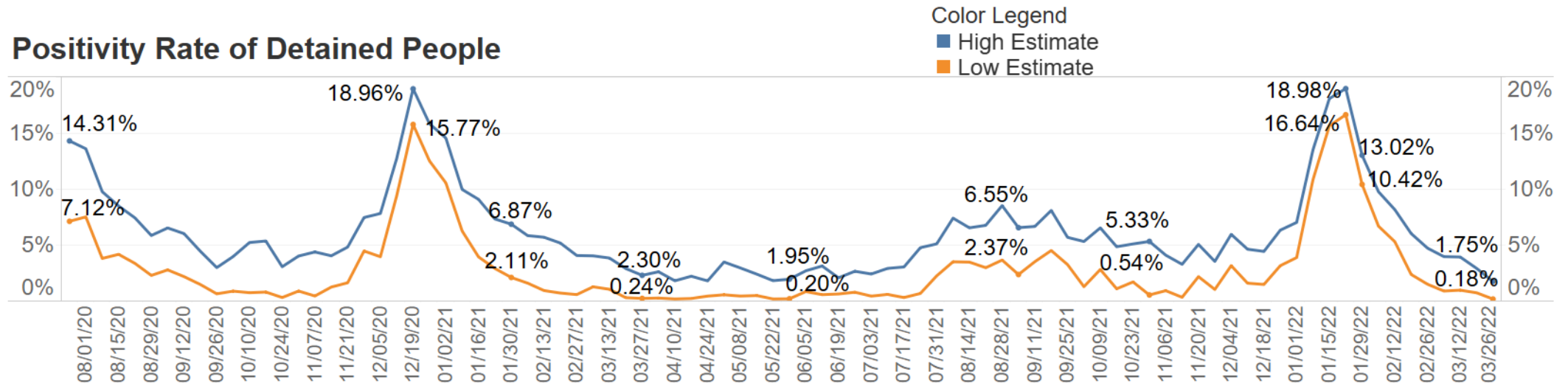


Total Number of Detained People Confirmed Positive

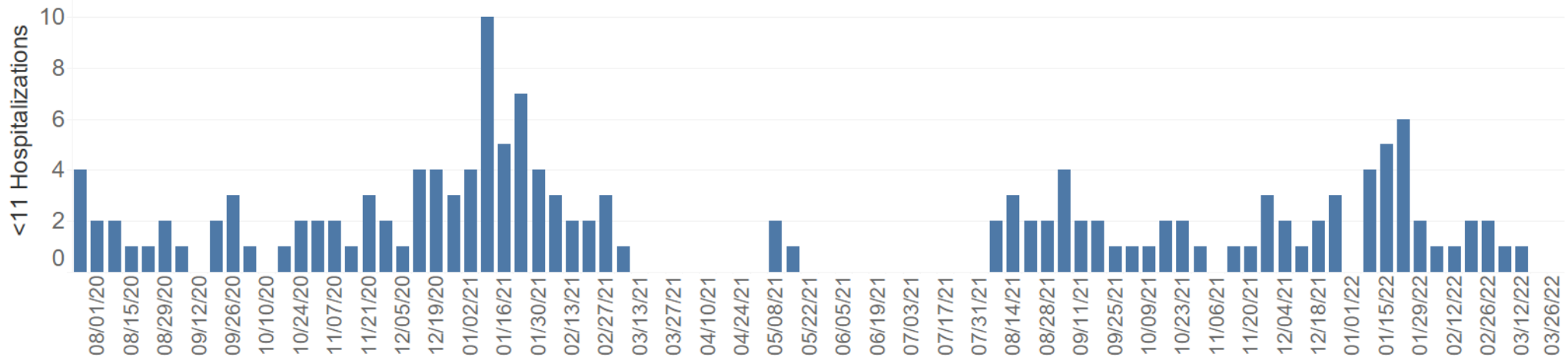
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 ■ Confirmed Positive Low Estimate



Recent COVID-19 Case Trends in County Jails



Hospitalizations of Detained People



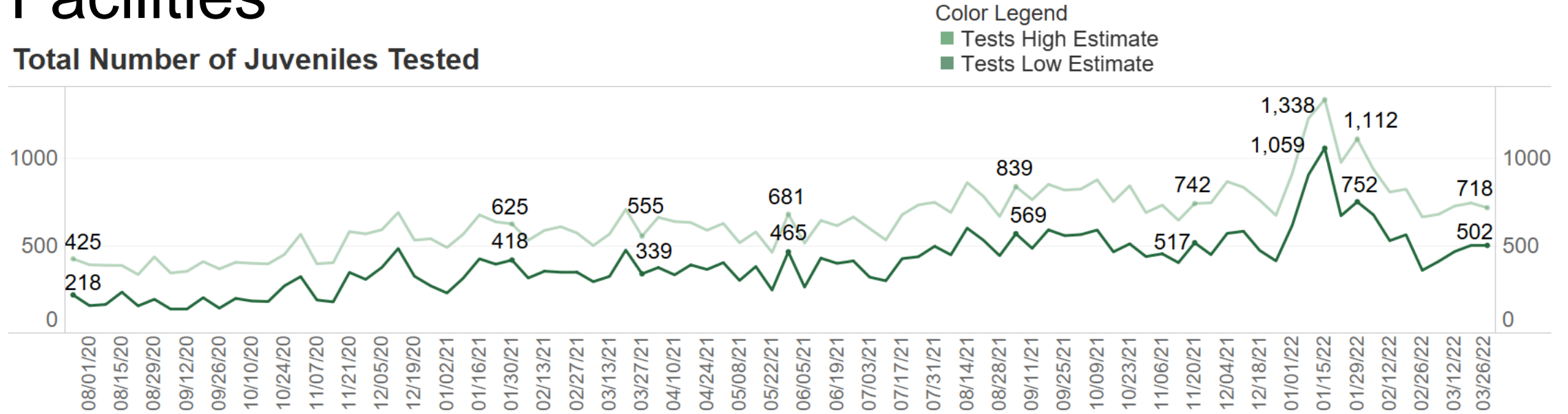
Recent Population Trends in County Juvenile Facilities

Statewide Average Daily Population of Juveniles in County Detention Facilities from 2/29/20 to 3/26/22

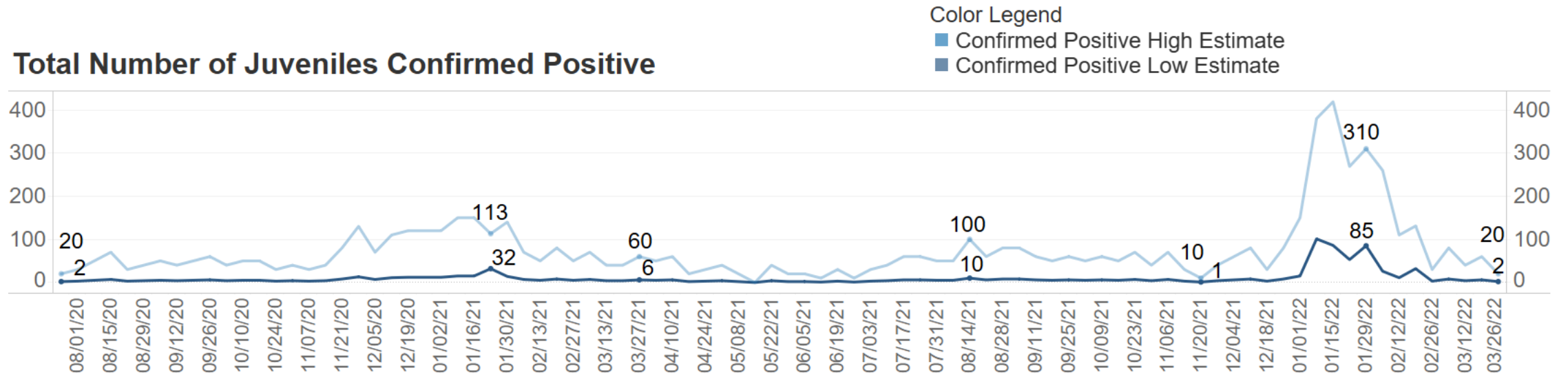


Recent COVID-19 Case Trends in County Juvenile Facilities

Total Number of Juveniles Tested

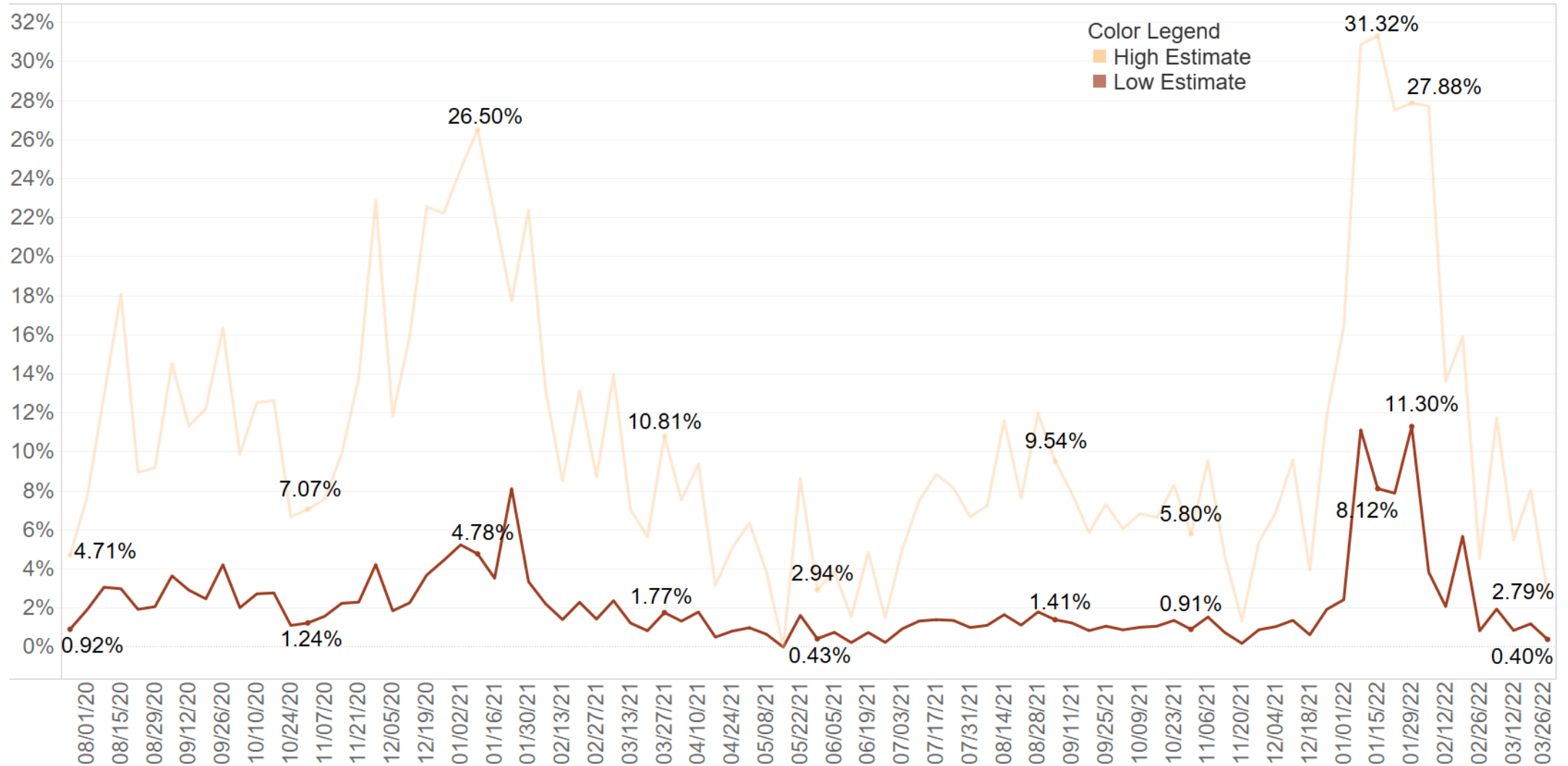


Total Number of Juveniles Confirmed Positive



Recent COVID-19 Case Trends in County Juvenile Facilities

Positivity Rate of Juveniles



Information Item 3
Legal Update

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

ROB BONTA
Attorney General

	:	No. 18-103
OPINION	:	
	:	March 10, 2022
of	:	
	:	
ROB BONTA	:	
Attorney General	:	
	:	
CATHERINE BIDART	:	
Deputy Attorney General	:	

The HONORABLE THOMAS C. ZELENY, INTERIM COUNTY COUNSEL, COUNTY OF NAPA, has requested an opinion on a question related to grand juries.

QUESTION PRESENTED AND CONCLUSION

Does the Penal Code section 919(b) requirement that a grand jury “inquire into the condition and management of the public prisons within the county” apply to local detention facilities such as jails?

Yes. Section 919(b)’s reference to “public prisons” includes local detention facilities.

BACKGROUND

The California Constitution and the Penal Code provide for at least one grand jury in each county.¹ The grand jury is a “judicial body” and “an instrumentality of the courts

¹ Cal. Const., art. I, § 23; Pen. Code, § 905.

of this state.”² The Penal Code governs the formation and impaneling of a grand jury and sets forth its powers and duties.³ A county’s grand jury is advised by its court, district attorney, and county counsel.⁴

The grand jury serves three basic functions: (1) to determine whether probable cause exists on criminal charges to indict a defendant for trial,⁵ (2) to determine alleged misconduct by local public officials and make a formal accusation to remove them from office,⁶ and (3) to act as a “watchdog” on local government by conducting investigations and issuing reports.⁷ Although a regular grand jury performs all three functions, some grand juries perform only civil or criminal functions.⁸

The inquiry presented to us pertains to the grand jury’s watchdog role, which “is by far the one most often played by the modern grand jury in California.”⁹ Penal Code section 919(b) requires a grand jury, as one of its investigative tasks, to inspect the “public prisons” within a county.¹⁰ The grand jury community has debated the meaning

² *People v. Superior Court (1973 Grand Jury)* (1975) 13 Cal.3d 430, 438, citations omitted; see also Pen. Code, § 914.

³ Pen. Code, §§ 888–939.91.

⁴ Pen. Code, §§ 914, 934.

⁵ Pen. Code, § 917; *McGill v. Superior Court* (2011) 195 Cal.App.4th 1454, 1467–1470; *McClatchy Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, 1170.

⁶ Pen. Code, § 922; *McClatchy Newspapers v. Superior Court, supra*, 44 Cal.3d at p. 1170; see also Gov. Code, § 3060 et seq.

⁷ *McClatchy Newspapers v. Superior Court, supra*, 44 Cal.3d at p. 1170, citing Pen. Code, §§ 919, 925 et seq.

⁸ See *McGill v. Superior Court, supra*, 195 Cal.App.4th at p. 1468 (generally each county has one regular grand jury, and may add a separate criminal grand jury); 76 Ops.Cal.Atty.Gen. 181, 187 (1993) (new grand jury to be criminal and existing grand jury to become civil); Pen. Code, § 904.6, subd. (d) (“Whenever an additional grand jury is impaneled pursuant to this section, it may inquire into any matters which are subject to grand jury inquiry and shall have the sole and exclusive jurisdiction to return indictments, except for any matters which the regular grand jury is inquiring into at the time of its impanelment”).

⁹ *McClatchy Newspapers v. Superior Court, supra*, 44 Cal.3d at p. 1170.

¹⁰ Pen. Code, § 919, subd. (b).

of “public prisons” in this context and, specifically, whether the term includes local detention facilities such as jails.¹¹

Although there is no single generally applicable definition of “local detention facility,” it is described similarly throughout the codes. For instance, Penal Code section 4027 provides a general definition of “local detention facility” as “any city, county, or regional facility used for the confinement of prisoners for more than 24 hours.”¹² A city or county jail is a typical example of a “local detention facility.”¹³

ANALYSIS

Penal Code section 919(b) states that a grand jury “shall inquire into the condition and management of the public prisons within the county.” We are asked to determine whether this reference to “public prisons” includes local detention facilities such as jails.

Interpretative Principles

Our fundamental goal in interpreting a statute is “to determine the Legislature’s intent so as to effectuate the law’s purpose.”¹⁴ To do so, we “look first to the words of

¹¹ See, e.g., Comments of the California Grand Jurors’ Association on Professors Vitiello and Kelso’s Tentative Recommendation Reform of California Grand Jury Statutes (2002) 35 Loyola L.A. L.Rev. 609, 618, fn. 18 (discussing “confusion among the counties as to what constitutes a ‘public prison’ as that term is used in California Penal Code sections 919 and 921”), 638–639; but see Civil Grand Jury, California Courts’ website, <http://www.courts.ca.gov/civilgrandjury.htm> [as of March 8, 2022] (website maintained by Judicial Council, a policy- and rule-making arm of the courts, providing that grand jury is required to “[i]nquire into the condition and management of the detention facilities within the County”).

¹² See also Pen. Code, §§ 4023.5 (similarly defining “local detention facility”), 4023.6 (same, but narrowed to female prisoners), 4028 (same), 6031.4 (providing an expanded but similar core definition); Cal. Code Regs., tit. 15, div. 1, § 1006 (defining “local detention facility” as “any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors”).

¹³ See generally Pen. Code, § 4000 (enumerating purposes, including detention and confinement, of county jail); see also Gov. Code, § 36903 (“Imprisonment for violation of an ordinance shall be in the city jail, unless by ordinance the legislative body prescribes imprisonment in the county jail”).

¹⁴ *Skidgel v. California Unemployment Ins. Appeals Bd.* (2021) 12 Cal.5th 1, 14, quoting *People v. Murphy* (2001) 25 Cal.4th 136, 142.

the statute themselves, giving to the language its usual, ordinary import and according significance, if possible, to every word, phrase and sentence in pursuance of the legislative purpose.”¹⁵ We interpret words “in the sense in which they would have been understood at the time of the enactment.”¹⁶ We do not consider the words of statutes in isolation; instead, “we construe the words in question in context, keeping in mind the statutes’ nature and obvious purposes.”¹⁷

If the plain text of a statute is ambiguous, or subject to more than one reasonable interpretation, “then we may look to extrinsic aids, including the ostensible objects to be achieved and the legislative history.”¹⁸ The “historical circumstances of a law’s enactment may also assist in ascertaining legislative intent, supplying context for otherwise ambiguous language.”¹⁹

Ordinary Meaning

The Penal Code does not define either “prison” or “public prison,” so we begin by looking to the ordinary meaning of these terms. In ordinary usage, the term “prison” can have either a generic or a specific meaning. For example, Merriam-Webster’s Dictionary offers a generic definition of “prison” as “a place of confinement, esp[ecially] for lawbreakers,” as well as a more specific definition as “an institution (as one under state jurisdiction) for confinement of persons convicted of serious crimes.”²⁰ Other dictionaries offer similar generic and specific definitions.²¹

To determine the meaning of “prison” in section 919(b), we look to the surrounding language, and see that the statute refers to “public prisons,” as opposed to “state prisons.” Notably, only one other California statute refers to “public prisons,” and this reference also appears in the grand jury context: Penal Code section 921 entitles the grand jury to freely access “the public prisons.”²² The substance of section 921 reveals

¹⁵ *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1386–1387.

¹⁶ *People v. Cruz* (1996) 13 Cal.4th 764, 775.

¹⁷ *Skidgel, supra*, 12 Cal.5th at 1, 14.

¹⁸ *Ibid.*

¹⁹ *Kaanaana v. Barrett Bus. Servs., Inc.* (2021) 11 Cal.5th 158, 169.

²⁰ Merriam-Webster’s Collegiate Dict. (11th ed. 2020), p. 988.

²¹ See, e.g., Black’s Law Dict. (11th ed. 2019) p. 1446, col. 1; Oxford English Dict. (3d ed. 2007, updated through Sept. 2021) [“prison,” definition 1b].

²² Pen. Code, § 921.

little about the meaning of “public prisons.”²³ In stark contrast, several hundred statutes refer to “state prisons.” The Penal Code generally uses the term “state prisons” to refer to institutions for persons convicted of serious crimes and placed under the jurisdiction of the California Department of Corrections and Rehabilitation.²⁴ And as a general rule, “where the Legislature uses different terms, different meanings are intended.”²⁵ Accordingly, the unique reference to “public prisons” with respect to the grand jury, instead of the otherwise ubiquitous “state prisons,” suggests that “public prisons” has a different meaning. To better understand this meaning, we turn to the use of the term “public prisons” at the time California enacted these grand jury provisions.

Historical Meaning

California enacted this grand jury provision in 1850²⁶ and it has existed continuously since.²⁷ Though reenacted several times, the language has not changed.²⁸ The words of the statute must therefore “be construed as continuations thereof, and not as

²³ *Ibid.*; see *People v. Coker* (2004) 120 Cal.App.4th 583, 589 (statutes dealing with same subject matter are ordinarily given same interpretation).

²⁴ See Pen. Code, §§ 18, subd. (a) (prescribing sentence for certain felonies to state prison), 2000 (establishing “State prison” for men), 5000 (establishing Department of Corrections and Rehabilitation, Division of Adult Operations), 5003 (providing that department with jurisdiction over enumerated state prisons and institutions), 6082 (for specified portion of Penal Code, “prisons” include facilities, camps, hospitals, and institutions, that confine, treat, employ, train, or discipline persons in legal custody of Department of Corrections and Rehabilitation); see also 49 Cal. Jur. 3d Penal, Etc., Institutions § 1 (2021) (discussing establishment of state prisons).

²⁵ *Kuhs v. Superior Court* (1988) 201 Cal.App.3d 966, 973.

²⁶ Stats. 1849–1850, ch. 119, p. 292 (“235. The Grand Jury must inquire . . . into the condition and management of the public prisons within the county”).

²⁷ Each enactment has only technical differences, such as use of capitalization or subdivisions. (See, e.g., Stats. 1959, ch. 501, § 2, p. 2448 [enacting current section 919(b)]; Stats. 1905, ch. 531, p. 694, § 3 [“923. The grand jury must inquire . . . into the condition and management of the public prisons within the county”]); Stats. 1872, § 214 [same]; Stats. 1851, ch. 29 [“214. The Grand Jury must inquire . . . into the condition and management of the public prisons within the County”]; see also 2 Cal. Law Revision Com., 1959 Annual Report, p. 20 [explaining that California Law Revision Commission’s proposed 1959 reorganization of law on grand juries made no substantive changes], available at <http://www.clrc.ca.gov/pub/Printed-Reports/Pub018.pdf> [as of March 8, 2022].)

²⁸ See *ante* fn. 27.

new enactments.”²⁹ So the meaning of “public prisons” in the 1850 enactment is key to understanding the term’s meaning in section 919(b) today.³⁰

California’s 1850 enactment mirrored language from a New York statute.³¹ That statute, since repealed, was understood to authorize grand jury inspections of county jails. New York state courts “over a long period of time” accepted grand jury reports on jail conditions.³² One case specifically refers to grand juries “investigating the condition and management of the public prisons of the County of Onondaga” pursuant to New York’s grand jury statute.³³ And more generally, New York cases and other sources occasionally refer to county jails as “county prisons.”³⁴

Similar statutes of other states have likewise been applied to jails. For instance, according to Minnesota courts, the grand jury has “a duty to inspect the county jail and city lock-up.”³⁵ Court and Attorney General opinions from Indiana and Kentucky likewise construe their respective grand jury statutes to authorize inspection of county

²⁹ Pen. Code, § 5.

³⁰ See *ibid.*; *People v. Cruz, supra*, 13 Cal.4th at p. 775 (“The words of a statute are to be interpreted in the sense in which they would have been understood at the time of the enactment”).

³¹ See Deering’s Ann. Pen. Code, § 919 (1998), p. 694; *Wood v. Hughes* (1961) 9 N.Y.2d 144, 151, 157–158 (1961).

³² *Matter of May 1959 Grand Jury, Schenectady County* (N.Y.Sup.Ct. 1959) 22 Misc.2d 958, 959–960.

³³ *People v. Northrup* (N.Y.App.Div. 1963) 18 A.D.2d 240, 241.

³⁴ See, e.g., *People v. Johnson* (N.Y.Sup.Ct. 1992) 153 Misc.2d 537, 542; *County of Monroe v State of New York* (N.Y.Ct.Cl. 1985) 130 Misc.2d 261, 263; *People v. Casey* (1878) 72 N.Y. 393, 396; *People ex rel. Van Tassell v Columbia County* (1876) 67 N.Y. 330, 332; *People v. Bennett* (N.Y.Ch. 1833) 4 Paige Ch. 282.

³⁵ *Standke v. B. E. Darby & Sons, Inc.* (1971) 291 Minn. 468, 469, fn. 1, 478, fn. 3 (reciting statute, then quoting trial court memorandum).

jails.³⁶ This uniformity favors a conclusion that California’s 1850 enactment similarly used “public prisons” to include local detention facilities such as jails. And while we have not found any California cases that address the application of our grand jury statute to jails, scholars report that California’s early grand juries inquired into conditions of jails.³⁷

In addition, some early California statutes referred to “prison” to mean “jail,” supporting a similar interpretation of “public prisons.”³⁸ For example, a statute from the 1850s provided that the “county jail” was to “be kept by the sheriff and used as a *prison*” for the following purposes:

1. For the detention of persons committed as witnesses in a criminal action;
2. For the detention of persons committed for trial for a public offence;
3. For the confinement of persons committed upon civil process; and

³⁶ See, e.g., *Reed v. State* (1926) 198 Ind. 338 (revealing that when similar Indiana statute was in place, related statute provided grand jury access to “*county prison or prisons*,” italics added; 1980-1981 Ky.Op.Atty.Gen. 2-75 (Ky. OAG 80-97) (1980) (“Section 102 of the Old Criminal Code expressly provided that it is the duty of the grand jury to inquire, inter alia, into the conditions and management of the public prisons in the county. That code is no longer in effect. By custom in many counties the inspection role has extended to county buildings other than the county jail,” internal quotation mark omitted); see also *Paul W. DeLaney & Associates v. Superior Court* (1966) 69 Wash.2d 519, 527–528, (dis. opn. of Hunter, J. on other grounds) (explaining the purpose of Washington’s grand jury statute as being “[t]o prevent treatment and submission to conditions that may constitute cruel and inhuman treatment or otherwise improper treatment to an individual” while confined “in a jail or prison.”).

³⁷ See A. Wells Petersen, *The California Grand Jury System: A Review and Suggestions for Reform*, 5 Pac. L.J. 1, 4 (1974) (stating that early grand juries investigated “local prisons,” citing Sacramento County Record Group, County Grand Jury Reports of January 1851, August 1856, and April 1859); Olson, *The California Grand Jury: An Analysis and Evaluation of Its Watchdog Function* (1966), pp. 71, 74, 76.

³⁸ We note also that the 1849 Constitution of California referred to “public prison,” but neither its substance nor cases nor other sources illuminate its meaning. (See Cal. Const. of 1849, art. II, § 4 [“For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his . . . confine[ment] in any public prison”]; see, e.g., Browne, *Report of the Debates in the Convention of California on the Formation of the State Constitution* (1850), pp. 75, 308, 458 [discussion of provision but without illuminating meaning of “public prison”].)

4. For the confinement of persons sentenced to imprisonment therein, upon conviction for a public offence, or for examination, charged with having committed a public offence.^[39]

These enumerated purposes are similar to those served by a jail today. The successor statute, Penal Code section 4000, no longer refers to “prison,” but the original enumerated purposes generally remain the same.⁴⁰ We may therefore infer that this early use of the term “prison” was a generic use that included a jail.

Other early references to “prison” that evidently meant “jail” include an 1851 statute establishing the City of San Francisco and charging its city marshal with the duty “to superintend the city prison,”⁴¹ and an 1872 statute putting the marshal of the City of San Jose in charge of the “city prison.”⁴² And until a state prison was established by early legislation, the county jail was deemed to be the state prison.⁴³ These early uses of “prison” to refer generically to “jail” buttress the view that “public prisons” in section 919(b) is similarly generic and includes jails.

In sum, while the modern use of “public prison” may be infrequent and ambiguous, the meaning at the time of enactment was clear: the term “public prison”

³⁹ 1 William H. R. Wood, *Digest of the Laws of California: Containing all Laws of a General Character which were in force on the first day of January, 1858* (1861) at p. 681, quoting Art. 3245, Sec. 17, italics added, punctuation amended.

⁴⁰ See Pen. Code, § 4000; see also Deering’s Ann. Pen. Code § 1577 (1909 ed.), p. 718 (comprising similar statute but no longer providing county jail to be used as prison).

⁴¹ 1851 Stat., ch. 84, p. 363; see also *id.* pp. 357 (referring to erection of prisons in City of San Francisco), 360–361 (conferring on city’s common council legislative power “for the care and regulation of prisons”).

⁴² 1872 Stat., ch. 254, p. 345, § 35.

⁴³ 1 William H. R. Wood, *Digest of the Laws of California: Containing all Laws of a General Character which will be in force on the first day of January, 1858, supra*, at p. 353, quoting art. 2010, § 144 (“Until a state prison is provided the county jail of each county shall be deemed the state prison”). This was so even while governance of state prisons was simultaneously being addressed by legislation, and “prison ships” were used as state prisons. (See, e.g., Stats. 1851, ch. 114, § 1 et seq., p. 427.) Later, the Penal Code provided that “[t]he state prisons of this state shall be known as the state prison at San Quentin, which is situated in the county of Marin, . . . and the state prison at Folsom, which is situated in the county of Sacramento” (Deering’s, Penal Code, § 1572 (1909) p. 703.)

included county jails. Because there is no indication that the Legislature ever intended to deviate from this meaning, it survives in section 919(b) today.⁴⁴

Purpose

Construing “public prisons” in section 919(b) to include jails is also consistent with the context and purpose of the larger statutory framework.⁴⁵ The grand jury generally serves as a watchdog over local agencies.⁴⁶ “As long ago as 1880, the Legislature assigned to the grand jury the responsibility of making ‘a careful and complete examination of the books, records and accounts of all officers of the county . . . and to report thereon.’”⁴⁷ This has since been recast to include among other things investigation and reporting “on the operations, accounts, and records of the officers, departments, or functions of the county.”⁴⁸ And over the years, “the Legislature has continually expanded the boundaries of the grand jury’s investigatory and reportorial domain.”⁴⁹ For example, the grand jury may investigate and “report on the ‘needs of all county officers’ including the desirability of abolishing or creating county offices and the adequacy of the existing ‘method or system of performing’ county duties.”⁵⁰ It may further investigate and report on “the operation of special-purpose assessing or taxing

⁴⁴ *Pasadena Redevelopment Agency v. Pooled Money Investment Bd.* (1982) 136 Cal.App.3d 290, 294 (“Absent a single meaning of the statute on its face, we must give it an interpretation based on the legislative intent with which it was passed”).

⁴⁵ See *People v. Garcia* (2017) 2 Cal.5th 792, 805 (“We consider the text in conjunction with the context and purpose of the statute even where, as here, the statutory language has a ‘highly technical’ meaning”).

⁴⁶ See Pen. Code, §§ 925, 925a; *People v. Superior Court (1973 Grand Jury)*, *supra*, 13 Cal.3d at p. 433 (“In California the grand jury . . . exercises an important ‘watchdog’ function over the operation of many facets of *local government*,” italics added).

⁴⁷ *People v. Superior Court (1973 Grand Jury)*, *supra*, 13 Cal.3d at p. 436, italics omitted, citing Pen. Code Ann. 1880, ch. 109, p. 43, Pen. Code, § 925.

⁴⁸ Pen. Code, § 925.

⁴⁹ *People v. Superior Court (1973 Grand Jury)*, *supra*, 13 Cal.3d at p. 436. The boundaries referred to pertain to scope, not geography. (See *id.* at pp. 437–438 [stating that “although a grand jury has extensive authority to investigate and recommend improvements within its own county, it is not authorized to roam at will throughout the state or country reporting on what it might view as shortcomings in distant locales”].)

⁵⁰ *Id.* at p. 436, citing Stats. 1911, ch. 200, p. 373, § 1, Pen. Code, § 928.

districts located wholly or in part within the county.”⁵¹ The grand jury may also investigate and report on the fiscal affairs of any incorporated city or joint powers authority within the county.⁵² Interpreting section 919(b) as including local jails is consistent with the statutory scheme of local oversight.⁵³

Prior Opinions

Our prior opinions provide further support for this conclusion. In 1979, we were asked whether Atascadero State Hospital was a “public prison” within the meaning of section 919(b). In determining it was not, we relied on a broad definition of “prison,” describing it as:

a place maintained by a public authority for the detention of those confined under legal process to insure their appearance for further proceedings, or for the confinement of those convicted of criminal offenses and sentenced therefor.⁵⁴

This generic definition of “prison” clearly encompasses a jail, and the Legislature is presumed to be aware of our opinion applying this definition to section 919(b).⁵⁵

⁵¹ *Id.* at p. 436, citing Stats. 1961, ch. 1461, p. 3313, § 2, Stats. 1969, ch. 931, p. 1870, § 1, Pen. Code, § 933.5.

⁵² Pen. Code, § 925a; see also *People v. Superior Court (1973 Grand Jury)*, *supra*, 13 Cal.3d at p. 436.

⁵³ See *Zenith Ins. Co. v. Workers’ Comp. Appeals Bd.* (2008) 159 Cal.App.4th 483, 491 (“Interpretation of the statutory language should be consistent and harmonized with the purpose of the statute and the statutory framework as a whole”).

⁵⁴ 62 Ops.Cal.Atty.Gen. 268, 268 (1979), citing *People v. Upchurch* (1978) 76 Cal.App.3d 721, 723, 39 Cal.Jur.2d, Prisons and Prisoners, § 3, p. 638, Black’s Law Dict. (4th ed. 1951) p. 1358, col. 1, 72 C.J.S., Prisons, §§ 1, 4, pp. 848–852.

⁵⁵ *City of Woodlake v. Tulare County Grand Jury* (2011) 197 Cal.App.4th 1293, 1302 fn. 4 (“Opinions of the Attorney General, while not binding, are entitled to great weight. In the absence of controlling authority, these opinions are persuasive since the Legislature is presumed to be cognizant of that construction of the statute . . . and that if it were a misstatement of the legislative intent, some corrective measure would have been adopted,” internal quotation marks and citations omitted); *People v. Union Oil Co.* (1968) 268 Cal.App.2d 566, 571 (stating that Attorney General’s opinions are entitled to “great weight,” and that lapse of time after opinion “supports the inference that if it were contrary to legislative intent, some corrective measure would have been adopted”).

In another opinion, we applied the generic meaning of “prison” in the context of inspections of state prisons and jails, though not under section 919(b).⁵⁶ The issue was whether an investigative committee of the State Assembly had authority to inspect state prisons and jails.⁵⁷ After concluding that it did as to state prisons, we determined that the committee also had authority to inspect jails, based on a generic meaning of both “prison”⁵⁸ and “jail.”⁵⁹ We even referred to a jail as a “public prison,” stating that:

A “jail” is a prison appertaining to a county or a municipality in which are confined for punishment persons convicted of misdemeanors committed in the county or municipality . . . and unless restricted by law, the prison of a county, city or town becomes the *public prison* of the state.⁶⁰

The application of these generic definitions in evaluating the scope of authorized inspections of state prisons and jails by a legislative committee suggests it is also proper to apply a generic definition to the similar context of grand jury inspections of “public

⁵⁶ 14 Ops.Cal.Atty.Gen. 162, 162, 169 (1949). Entities other than grand juries are also required or authorized to inspect jails or state prisons. (See, e.g., Pen. Code, §§ 4300–4305 [authorizing county board of supervisors to appoint county advisory committee to annually inspect adult detention facilities as specified], 6031 [requiring Board of Corrections and Rehabilitation to inspect and report on “each local detention facility” every two years], 6031.1 [specifying subject matter of those inspections], 6126, subs. (f), (g) [charging Inspector General with inspection and oversight over specified matters at state prisons including medical care, staffing, and gang management].) These statutory inspections, unlike the grand jury’s duty to “inquire into the condition and management of the public prisons,” require inspection on highly specific matters; we see nothing in these statutes that illuminates the meaning of “public prisons” in section 919(b).

⁵⁷ 14 Ops.Cal.Atty.Gen., *supra*, at pp. 162–164 (discussing resolution creating and authorizing committee “to ascertain, study, and analyze all facts relating to custodial institutions for juvenile and adult persons in this State” except those expressly maintained for persons having a mental illness or disability).

⁵⁸ 14 Ops.Cal.Atty.Gen., *supra*, at p. 169 (stating that “the word ‘prison’ is a generic term comprising places maintained by public authority for the detention of those confined under legal process, whether criminal or civil, and whether the imprisonment is for the purpose of insuring the production of the prisoner to answer in future legal proceedings, or whether it is for the purpose of punishment for an offense of which the prisoner has been duly convicted and for which he has been duly sentenced”).

⁵⁹ 14 Ops.Cal.Atty.Gen., *supra*, at p. 169.

⁶⁰ 14 Ops.Cal.Atty.Gen., *supra*, at p. 169, italics added, citations and internal quotation marks omitted.

prisons” under section 919(b). Thus, our prior opinions further support a determination that “public prisons” as used in section 919(b) should be construed broadly to include local detention facilities such as jails.⁶¹

Other Considerations

We acknowledge but ultimately disagree with a contrary view that is based on the text of Penal Code section 919. While section 919, subdivision (b) refers to “public prisons,” the preceding subdivision expressly refers to “jails.” One commenter suggests that if the Legislature had intended to include “jails” in subdivision (b), as well, the term would be repeated there. These two subdivisions read in full:

(a) The grand jury may inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.

(b) The grand jury shall inquire into the condition and management of the public prisons within the county.^[62]

We do not think the presence of “jails” in subdivision (a), along with the absence of “jails” from subdivision (b), connotes an intent to exclude them from subdivision (b). Instead, the plain text shows that each subdivision serves different purposes, with subdivision (a) focusing on particular persons and subdivision (b) focusing on institutions. Subdivision (a) is about cases involving a specific class of persons—those held in custody and awaiting indictment. It makes sense to use “jail” in this context because that is the where persons awaiting indictment are held.⁶³ But when the Legislature shifted its focus to institutions in subdivision (b), it used the broader term “public prisons,” which is inclusive of jails but also includes other institutions.

⁶¹ See also 88 Ops.Cal.Atty.Gen. 207, 209 (2005) [“A ‘prison’ is ‘a place or condition of confinement or restraint’ or ‘a building or other place for the safe custody or confinement of criminals or others,’” quoting Webster’s 3d New Internat. Dict. (2002) p. 1804], rejected on other grounds by *League of Women Voters of California v. McPherson* (2006) 145 Cal.App.4th 1469, 1475, 1480–1481. And consistent with this generic meaning, an early opinion by our office refers to “city prisons” to mean city jails. (3 Ops.Cal.Atty.Gen. 2, 2 (1944) [finding no statutory authority to confine persons sentenced to state prison in “city prison”].)

⁶² Pen. Code, § 919, subs. (a) & (b).

⁶³ See *State v. Lint* (Iowa 1978) 270 N.W.2d 598, 600 (explaining intent of similar language is to protect the accused from languishing in jail without charge).

Finally, we do not believe that the 2011 “realignment” legislation that diverted some felony offenders to local jails is relevant to our analysis.⁶⁴ We received a comment expressing the view that “public prisons” had meant only “state prisons,” but that jails are now included in the term because of realignment. We disagree with that reasoning. Putting lower-level felony offenders in a jail does not make it a state prison.⁶⁵ And while the distinctions between jails and state prisons may be more nuanced now, they remain under different jurisdictions (jails are local, while state prisons are under the Department of Corrections and Rehabilitation) and incarcerate different populations based on the seriousness of the crime (jails incarcerate misdemeanants and some felons sentenced to shorter-term sentences, while state prisons incarcerate felons sentenced to longer terms).⁶⁶ Rather than realignment, it is the historical and lasting meaning of “public prisons,” as well as the statutory purpose and reasoning of our prior opinions, that persuade us that section 919(b)’s reference to “public prisons” includes “jails.”

⁶⁴ See Pen. Code, § 1170, subd. (h); *People v. Avignone* (2017) 16 Cal.App.5th 1233, 1241 [“Under the Realignment Act, qualified persons convicted of nonserious and nonviolent felonies are sentenced to county jail instead of state prison,” internal quotation mark omitted]; see, e.g., Stats. 2011, c. 39 (A.B.117), § 27 [comprising one set of realignment amendments to Penal Code section 1170].)

⁶⁵ See 67 Ops.Cal.Atty.Gen. 438, 442 (1984) [“Taking a boy *out* of the state prison and putting him in the school, with the ‘benefits and immunities’ of its other inmates, is certainly not turning the reform school into a state prison,” quoting *Ex Parte Nichols* (1896) 110 Cal. 651].

⁶⁶ See *ante* fns. 13, 24.

Information Item 4
Legislative Update

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
1	<p><u>AB 731</u></p> <p><u>County jails: recidivism: reports.</u></p> <p><u>Assemblymember Bauer-Kahan, Rebecca</u></p> <p><u>(D-16)</u></p>	<p>AMENDED IN SENATE AUGUST 26, 2021</p> <p>Would require the sheriff in each county to compile and submit specified data to the Board of State and Community Corrections on their educational opportunities, rehabilitative opportunities, exercise opportunities, the number of participants and the cost of administering those programs, and success rates in reducing recidivism, as defined. The bill would require the board to compile a report based upon those findings and submit the report to the Legislature by a specified date.</p>	<p>Would require the BSCC to compile a report and submit to the Legislature.</p>	<p>9/10/2021</p> <p>Failed Deadline pursuant to Rule 61(a)(15).</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
2	<p><u>AB 1474</u></p> <p><u>Sentencing: consideration of costs.</u></p> <p><u>Assemblymember Gabriel</u></p> <p><u>(D-45)</u></p>	<p>REVISED APRIL 21, 2021</p> <p>This bill would require a prosecuting attorney, at sentencing, to state on the record the estimated cost of incarceration or supervision for any proposed sentence. This bill would also require a county probation department, if preparing a presentence report, to provide the court with specified information regarding the estimated and projected cost of incarceration or other supervision of the defendant as has been proposed in the recommended sentence. The bill would require the court, during sentencing, to state on the record, the estimated cost of the sentence imposed. This bill would require the Legislative Analyst's Office (LAO) to annually compile the average annual costs of incarceration and postincarceration supervision for an inmate under the supervision of the Department of Corrections and Rehabilitation, and to provide that information to prosecutor's officers and the chief probation officer of each county. The bill would also require the LAO to provide this information to the public on the LAO's internet website.</p> <p>The Board of State and Community Corrections shall, by no later than July 1, 2022, and annually thereafter, compile the average annual costs of incarceration and supervision for a person in the custody of, or under the supervision of, each county sheriff or probation department, and shall provide that information to each city, county, or city and county prosecutor's office and the chief probation officer of each county, and shall make the information available to the public by posting it on the board's internet website.</p>	<p>The BSCC would compile a report on annual cost of incarceration</p>	<p>8/27/21</p> <p>Failed Deadline.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
3	<p><u>AB 1597</u></p> <p><u>Shoplifting: increased penalties for prior crimes</u></p> <p><u>Assemblymember Waldron (R-75)</u></p>	<p>INTRODUCED JANUARY 3, 2022</p> <p>Current law, as amended by Proposition 47, provides that a registered sex offender or a person with a prior conviction for certain serious or violent felonies, such as a sexually violent offense, who commits petty theft, is subject to imprisonment in the county jail for up to one year or in the state prison for 16 months, or 2 or 3 years. This bill would reinstate a provision of law that was repealed by Proposition 47 that provides that a person who has been convicted 3 or more times of petty theft, grand theft, or other specified crimes and who is subsequently convicted of petty theft is subject to imprisonment in a county jail not exceeding one year or in a county jail for 18 months or 2 or 3 years.</p>	<p>May impact the current Proposition 47 Grants.</p>	<p>3/15/2022</p> <p>In Assembly committee: Set, second hearing. Failed passage. Reconsideration granted.</p> <p>Vote: 03/15/2022 Assembly Public Safety (2-5-0)</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
4	<p><u>AB 1599</u></p> <p><u>Proposition 47: repeal</u></p> <p><u>Assemblymember Kiley, Kevin</u></p> <p><u>(R-6)</u></p>	<p>INTRODUCED JANUARY 3, 2022</p> <p>The Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, made various changes relating to theft and the possession of controlled substances, including by, among other things, generally reducing the penalty for those crimes, including reducing the penalty for possession of concentrated cannabis, establishing a procedure by which individuals convicted of those crimes prior to the passage of the act may petition for resentencing under the act, and creating the crime of shoplifting.</p> <p>This bill would repeal the changes and additions made by Proposition 47, except those related to reducing the penalty for possession of concentrated cannabis.</p>	<p>May impact the current Proposition 47 Grants.</p>	<p>3/9/2022</p> <p>Coauthors revised. In Assembly Public Safety Committee Process</p> <p>Vote: 3/08/2022</p> <p>Assembly Public Safety (5-0-2)</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
5	<p><u>AB 1603</u></p> <p><u>Theft: shoplifting: amount</u></p> <p><u>Assemblymember</u></p> <p><u>Salas (D-32)</u></p>	<p>REVISED MARCH 23, 2022</p> <p>Proposition 47 requires shoplifting, defined as entering a commercial establishment with the intent to commit larceny if the value of the property taken does not exceed \$950, to be punished as a misdemeanor. Under existing law, entering a commercial establishment with the intent to take property exceeding \$950 is burglary, punishable as a misdemeanor or a felony. This bill would amend Proposition 47 by reducing the threshold amount for petty theft and shoplifting from \$950 to \$400. The bill would provide that it shall become effective only when submitted to, and approved by, the voters of California.</p>	<p>May impact the current Proposition 47 Grants.</p>	<p>3/23/2022</p> <p>Failed Passage in Assembly Public Safety Committee</p> <p>Coauthors revised.</p> <p>Vote:</p> <p>3/22/2022 Assembly Public Safety</p> <p>(2-4-1)</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
6	<p><u>AB 1670</u></p> <p><u>Criminal justice: Commission on Alternatives to Incarceration</u></p> <p><u>Assemblymember Bryan, Isaac</u></p> <p><u>(D-54)</u></p>	<p>INTRODUCED JANUARY 19, 2022</p> <p>Current law, generally, punishes the violation of serious felonies by incarceration in the state prison.</p> <p>This bill would create the Commission on Alternatives to Incarceration within the California Health and Human Services Agency to study alternatives to incarceration, reducing recidivism, and family reunification in the state prison system.</p> <p>The California Health and Human Services Agency, Department of Corrections and Rehabilitation, and Board of State and Community Corrections shall, upon request, provide the commission with reasonable technical and administrative support and assistance.</p>	<p>Would need to provide technical assistance to the Commission.</p>	<p>3/31/2022</p> <p>Read second time and amended</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
7	<p><u>AB 1816</u></p> <p><u>Reentry Housing and Workforce Development Program</u></p> <p><u>Assemblymember Bryan (D-54)</u></p>	<p>REVISED MARCH 24, 2022</p> <p>Current law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency and makes the department responsible for administering various housing programs throughout the state, including, among others, the Multifamily Housing Program, the Housing for a Healthy California Program, and the California Emergency Solutions Grants Program.</p> <p>Upon appropriation by the Legislature for this express purpose, this bill would require the department to create the Reentry Housing and Workforce Development Program and would require the department to take specified actions to provide grants to applicants, as defined, for innovative or evidence-based housing, housing-based services, and employment interventions to allow people with recent histories of incarceration to exit homelessness and remain stably housed.</p>	<p>May impact current BSCC reentry grant program funding.</p>	<p>3/24/2022</p> <p>Coauthors revised. From committee: Do pass and re-refer to Assembly Committee on Appropriations.</p> <p>Vote:</p> <p>3/23/2022 Assembly Committee on Housing and Community Development (6-2-0)</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
8	<p><u>AB 2062</u></p> <p><u>Local law enforcement hiring grants.</u></p> <p><u>Assemblymember Salas (D-32)</u></p>	<p>INTRODUCED FEBRUARY 14, 2022</p> <p>Would, upon appropriation of funds for this purpose in the annual Budget Act and until January 1, 2029, require the Board of State and Community Corrections to establish a grant program to provide \$50 million in grants to local law enforcement agencies to incentivize peace officers to work in local law enforcement agencies that are in underserved communities and to live in the communities that they are serving.</p> <p>The bill would require grant funds to be used to provide a 5-year supplement to peace officer salaries in local law enforcement agencies that are in underserved communities that have had a homicide rate higher than the state average for the past 5 years or more and where the peace officer lives within 5 miles of the office in which they work.</p> <p>The bill would require local law enforcement agencies that receive grants to report specified information to the board annually and would require the board to report to the Legislature and the Governor's office on the efficacy of the program, as prescribed, on or before July 1, 2028.</p>	<p>Would be required to establish a grant program and compile a report to the Legislature and Governor annually.</p>	<p>3/29/2022-</p> <p>From committee: Do pass and re-refer to Assembly Committee on Appropriations. with recommendation: To Consent Calendar.</p> <p>Vote: 3/29/2022 Assembly Public Safety (7-0-0)</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
9	<p><u>AB 2253</u></p> <p><u>Gun violence: public health crisis</u></p> <p><u>Assemblymember Bonta (D-18)</u></p>	<p>AMENDED IN ASSEMBLY MARCH 17, 2022</p> <p>This bill would declare that it is established policy of the state that gun violence is required to be recognized and addressed as a public health crisis, as specified. The bill would require all relevant state agencies, including the Department of Justice, to consider this state policy when revising, adopting, or establishing polices, regulations, and grant criteria, or making any expenditures related to the prevention of gun violence and increasing community safety. The bill would also create the State Crime and Violence Prevention Center with the goal of developing a strategy, through collaboration between the Department of Justice, the Board of State and Community Corrections, the California Firearm Violence Research Center at UC Davis, and other specified community members, to identify causes of gun violence in communities and to incorporate a public health approach to improve social determinants of health for communities most affected by gun violence. The bill would require the State Crime and Violence Prevention Center to create a plan of action for how the Department of Justice and Board of State and Community Corrections will incorporate a public health approach to their gun violence prevention-related programs and services. The bill would require the center to submit the plan to the Legislature no later than July 1, 2023.</p>	<p>May impact the current CalVIP grant requirements</p>	<p>3/21/2022</p> <p>In Assembly, Re-referred to Assembly Committee on Public Safety</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
10	<p><u>AB 2294</u></p> <p><u>Diversion for repeat retail theft crimes</u></p> <p><u>Assemblymember Jones-Sawyer (D-59)</u></p>	<p>INTRODUCED FEBRUARY 16, 2022</p> <p>Current law requires a peace officer to release a person who has been arrested for a misdemeanor after securing that person’s promise to appear, as specified, unless certain conditions are met for nonrelease, including, among others, there is reason to believe that the person would not appear as required or there was a reasonable likelihood that the offense or offenses for which the person was arrested would continue or resume. This bill, until January 1, 2026, would include in the reasons for nonrelease that the person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous 6 months and that there is probable cause to believe that the person arrested is guilty of committing organized retail theft.</p> <p>This bill, upon appropriation and until January 1, 2026, would also require the Board of State and Community Corrections to award competitive grant funding to 4 or more county superior courts or county probation departments to create demonstration projects to reduce the recidivism of high-risk misdemeanor probationers, as specified. The bill would require the board to develop reporting requirements for the participating entities and would require those entities to report the results of the demonstration project to the board. The bill would require the board to report to the Legislature and county criminal justice officials 2 years after the appropriation by the Legislature. This section shall remain in effect until January 1, 2026, and as of that date is repealed.</p>	<p>Upon appropriation may require the BSCC to administer a grant and compile a report to the Legislature and county criminal justice officials.</p>	<p>3/3/2022</p> <p>In Assembly referred to Committee on Public Safety.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
11	<p><u>AB 2321</u></p> <p><u>Juveniles: room confinement</u></p> <p><u>Assemblymember</u></p> <p><u>Jones-Sawyer (D-59)</u></p>	<p>INTRODUCED FEBRUARY 16, 2022</p> <p>Current law places restrictions on the use of room confinement of minors or wards who are confined in a juvenile facility, as specified, and requires the placement of a minor or ward in room confinement to be conducted in accordance with specified guidelines. Current law excludes from the definition of room confinement the confinement of a minor or ward in a single-person room or cell for brief periods of locked room confinement necessary for required institutional operations.</p> <p>This bill would limit that exclusion to periods of confinement no longer than one hour. The bill would also require minors and wards who are confined to be provided reasonable access to toilets at all hours. By increasing the duties of local entities in connection with local juvenile facilities, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	<p>May impact Title 15 regulations.</p>	<p>3/29/2022</p> <p>From committee: Do pass and re-refer to Committee on Appropriations. Re-referred to Assembly Committee on Appropriations.</p> <p>Vote: 3/29/2022 Assembly Public Safety (7-0-0)</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
12	<p><u>AB 2343</u></p> <p><u>Board of State and Community Corrections</u></p> <p><u>Assemblymember Weber (D-79)</u></p>	<p>AMENDED IN ASSEMBLY MARCH 17, 2022</p> <p>Current law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile criminal justice system. The duties of the board, among others, include establishing standards for local correctional facilities and correctional officers. Under existing law, the board is composed of 13 members, as specified.</p> <p>This bill would, commencing July 1, 2023, add 2 additional members to the board, a licensed health care provider and a licensed mental health care provider, each appointed by the Governor, subject to confirmation by the Senate.</p>	<p>Would add two additional members to the Board.</p>	<p>3/21/2022-</p> <p>Re-referred to Assembly Committee on Public Safety.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
13	<p><u>AB 2417</u></p> <p><u>Juveniles: Youth Bill of Rights</u></p> <p><u>Assemblymember Ting (D-19)</u></p>	<p>INTRODUCED FEBRUARY 17, 2022</p> <p>Existing law establishes the Youth Bill of Rights, which includes the right to live in a safe, healthy, and clean environment conducive to treatment and rehabilitation, to contact attorneys, ombudspersons, and other advocates regarding conditions of confinement or violations of rights, and to receive a quality education. Under current law, the Youth Bill of Rights applies to youth confined in a facility of the Division of Juvenile Justice in the Department of Corrections and Rehabilitation.</p> <p>This bill would make the Youth Bill of Rights applicable to youth confined in any juvenile justice facility. The bill would further require, as part of the Youth Bill of Rights, that youth have access to postsecondary academic and career technical education and programs and access to information regarding parental rights, among other things. The bill would require the Division of the Ombudsperson of the Office of Youth and Community Restoration, in consultation with other specified parties, to develop standardized information explaining these rights no later than July 1, 2023.</p>	None	<p>3/3/2022</p> <p>Referred to Assembly Committee on Public Safety.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
14	<p><u>AB 2543</u></p> <p><u>Theft and burglary.</u></p> <p><u>Assemblymember Fong (R-34)</u></p>	<p>AMMENDED IN ASSEMBLY MARCH 17, 2022</p> <p>The existing Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, makes the theft of property that does not exceed \$950 in value petty theft, and makes that crime punishable as a misdemeanor, with certain exceptions. The initiative statute defines shoplifting as entering a commercial establishment with the intent to commit larceny while that establishment is open during regular hours, where the value of the property that is taken or intended to be taken does not exceed \$950. The initiative statute requires that shoplifting be punished as a misdemeanor.</p> <p>This bill would amend Proposition 47 by authorizing acts of shoplifting that occur on 2 or more separate occasions within a 12-month period, and the aggregated value of the merchandise taken exceeds \$950, to be punished either by imprisonment in a county jail for not more than one year or by 16 months or 2 or 3 years in a county jail.</p>	<p>May impact the current Proposition 47 Grants.</p>	<p>3/29/2022</p> <p>In Assembly Committee on Public Safety: Hearing postponed by committee</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
15	<p><u>AB 2545</u></p> <p><u>Theft: receiving stolen property: firearms</u></p> <p><u>Assemblymember Muratsuchi (D-66)</u></p>	<p>INTRODUCED FEBRUARY 17, 2022</p> <p>Existing law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, requires the receipt of stolen property that does not exceed \$950 to be punished as a misdemeanor, except in cases when the defendant has previously been convicted of one or more specified serious or violent felonies or an offense requiring registration as a sex offender.</p> <p>This bill would, upon approval by the voters, make knowingly buying or receiving a stolen firearm, as specified, regardless of the value of the firearm, punishable as either a misdemeanor or a felony.</p>	<p>May impact the current Proposition 47 Grants.</p>	<p>3/10/2022</p> <p>Referred to Assembly Committee on Public Safety.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
16	<p><u>AB 2715</u></p> <p><u>Organized retail theft</u></p> <p><u>Assemblymember Gray (D-21)</u></p>	<p>INTRODUCED FEBRUARY 18, 2022</p> <p>Current law, until January 1, 2026, makes it a misdemeanor to commit organized retail theft. Current law defines organized retail theft to include, among other acts, acting as an agent of another individual or group of individuals to steal merchandise from one or more merchant's premises or online marketplaces as part of an organized plan to commit theft. Under current law, acts of organized retail theft that are committed on 2 or more separate occasions within a 12-month period and that have an aggregate value that exceeds \$950 are punishable as a misdemeanor or a felony.</p> <p>This bill would remove the requirement that the person acting in concert with one or more person to steal merchandise from one or more merchant's premises or online marketplace have the intent to sell, exchange, or return the merchandise for value.</p>	None	<p>3/10/2022</p> <p>Referred to Assembly Committee on Public Safety.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
17	<p><u>AB 2718</u></p> <p><u>Crimes: theft</u></p> <p><u>Assemblymember</u></p> <p><u>Cooper (D-9)</u></p>	<p>INTRODUCED FEBRUARY 18, 2022</p> <p>Current law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, defines and prohibits an act of shoplifting and prohibits prosecution for an act of shoplifting under any other law. This bill would refine the definition of shoplifting and would specifically exclude certain offenses from prosecution as shoplifting, including, without limitation, the theft of a firearm or vehicle, identity theft, and credit card fraud. This bill contains other related provisions and other existing laws.</p>	<p>May impact current Proposition 47 grant.</p>	<p>3/10/2022</p> <p>Referred to Assembly Committee on Public Safety.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
18	<p><u>AB 2951</u></p> <p><u>Mobile mental health crisis response teams</u></p> <p><u>Assemblymember Salas (D-32)</u></p>	<p>AMENDED IN ASSEMBLY MARCH 24, 2022</p> <p>Existing law also establishes, until January 1, 2026, the Medication-Assisted Treatment Grant Program, to be administered by the Board of State and Community Corrections. Existing law requires the board to award grants, on a competitive basis, to counties and authorizes counties that receive grants to use grant funds for various purposes relating to the treatment of substance use disorders and the provision of medication-assisted treatment, including for the purpose of funding mobile crisis teams of behavioral health professionals that can respond with law enforcement to mental health or other health crisis calls.</p> <p>Would require the State Department of Health Care Services to establish a 5-year statewide pilot program to provide grants to cities to create mobile mental health crisis response teams. The bill would require a city that receives a grant to ensure that, among other things, a mobile mental health crisis response team is a dispatch option when city employees respond to mental health emergency calls within the city. The bill would require a mobile mental health crisis response team funded with a grant to be staffed by licensed clinicians who have the legal authority to take, or cause to be taken, a person into custody pursuant to the above-described provisions. The bill would require a city that receives a grant to annually submit a report with specified information to the department. The bill would repeal these provisions on January 1, 2029. The bill would further state the intent of the Legislature that the bill will ultimately include an appropriation of \$50,000,000 for the purposes of the pilot program.</p>	None	<p>3/28/2022</p> <p>Re-referred to Assembly Committee on Health.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
19	<p><u>SB 472</u></p> <p><u>Social Innovation Financing Program.</u></p> <p><u>Senator Caballero, Anna</u></p> <p><u>(D-12)</u></p>	<p>AMENDED IN ASSEMBLY JULY 15, 2021</p> <p>Current law establishes the Social Innovation Financing Program, administered by the Board of State and Community Corrections, to award grants to 3 counties selected by the board, for the purpose of entering into a social innovation financing contract, pursuant to which private investors agree to provide financing to service providers to achieve social outcomes agreed upon in advance and the government agency that is a party to the contractual agreement agrees to pay a return on the investment to the investors if successful programmatic outcomes are achieved by the service provider. Current law requires the board and each county receiving an award to report annually to the Governor and Legislature, as specified. Current law repeals the program on January 1, 2022. This bill would, commencing July 1, 2022, authorize the board, upon an appropriation by the Legislature to the Social Innovation Fund created by this bill, to award a new round of grants to 5 counties selected by the board, as specified.</p>	<p>Upon appropriations would require BSCC to administer grants to five counties.</p>	<p>8/27/21</p> <p>Failed Deadline.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
20	<p><u>SB 1108</u></p> <p><u>Shoplifting: increased penalties for prior crimes</u></p> <p><u>Senator Bates (R-36)</u></p>	<p>INTRODUCED FEBRUARY 16, 2022</p> <p>Would reinstate a provision of law that was repealed by Proposition 47 that provides that a person who has been convicted 3 or more times of petty theft, grand theft, or other specified crimes and who is subsequently convicted of petty theft is subject to imprisonment in a county jail not exceeding one year or in a county jail for 16 months or 2 or 3 years. The bill would also make this provision and the provision relating to a person with serious, violent, or sexual prior offenses applicable to a person whose prior or current conviction is for shoplifting.</p>	<p>May impact current Proposition 47 grant.</p>	<p>3/29/2022</p> <p>First hearing. Failed passage in Senate committee on Public Safety.</p> <p>Reconsideration granted.</p> <p>Votes:</p> <p>(1-4)</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
21	<p><u>SB 1137</u></p> <p><u>Board of State and Community Corrections</u></p> <p><u>Senator Atkins (D-39)</u></p>	<p>AMENDED IN SENATE MARCH 08, 2022</p> <p>Current law establishes the Board of State and Community Corrections, with the mission of providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile criminal justice system, including addressing gang problems.</p> <p>This bill would expand the board’s mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities.</p>	<p>May impact regulations, training, and policy.</p>	<p>3/22/2022</p> <p>April 5 hearing postponed by committee.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
22	<p><u>SB 1178</u></p> <p><u>Criminal procedure: sentencing</u></p> <p><u>Senator Bradford (D-35)</u></p>	<p>INTRODUCED FEBRUARY 17, 2022</p> <p>Current law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, reduced the penalties for various crimes. Under the provisions of the act, a person who, on November 5, 2014, was serving a sentence for a conviction of a felony or felonies who would have been guilty of a misdemeanor under the act if the act had been in effect at the time of the conviction may petition or apply to have the sentence reduced in accordance with the act. Current law requires those petitions to be filed on or before November 4, 2022, or at a later date upon showing of good cause.</p> <p>Proposition 47 authorizes its provisions to be amended by a statute that is consistent with and furthers its intent and that is passed by a 2/3 vote of each house of the Legislature.</p> <p>This bill would amend Proposition 47 to remove that deadline for the filing of those petitions.</p>	<p>May impact current Proposition 47 grant.</p>	<p>3/25/22</p> <p>In Senate - Public Safety Committee, Set for hearing April 19.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
23	<p><u>SB 1418</u></p> <p><u>Public safety collaborative</u></p> <p><u>Senator Newman (D-29)</u></p>	<p>AMENDED IN SENATE MARCH 15, 2022</p> <p>Current law establishes the Board of State and Community Corrections. Current law charges the board with providing the statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile criminal justice system.</p> <p>This bill would establish the North Orange County and Central Coast Public Safety Collaboratives, as specified, create the Public Safety Collaborative Fund in the state treasury, and appropriate \$16 million into the fund available to the board to fund equally the collaboratives. The bill would require each collaborative to establish a coordinating and advisory board with membership, including city officials, local law enforcement, and local stakeholders, to prioritize the use of the funds, including programs to address youth violence prevention and intervention in K–12 schools and homeless outreach and intervention efforts.</p> <p>The North Orange Collaborative shall report annually to the Board of State and Community Corrections by June 30 each year on how these funds are being used and any relevant findings on the overall effectiveness of the collaborative. The Board of State and Community Corrections shall provide this information annually to the Legislature and Governor by December 31.</p>	<p>BSCC would be passthrough and would report to the Legislature and Governor the use of the funds.</p>	<p>3/23/2022</p> <p>Re-referred to Senate Committee on Public Safety.</p>

	Bill & Author	Summary/ Version	BSCC Duties Impact	Status
24	<p><u>SB 1427</u></p> <p><u>Board of State and Community Corrections: Homeless and Mental Health Court and Transitioning Home Grant Programs</u></p> <p><u>Senator Ochoa Bogh</u></p> <p><u>(R-23)</u></p>	<p>INTRODUCED FEBRUARY 18, 2022</p> <p>Would establish two new grant programs administered by the Board of State and Community Corrections:</p> <p>Homeless and Mental Health Court Grant Program that would, subject to an appropriation by the Legislature, provide grants to counties for the purpose of establishing or expanding homeless courts and mental health courts, as specified;</p> <p>Transitioning Home Grant Program that would, subject to an appropriation by the Legislature, provide grants to county sheriffs and jail administrators to fund programs aimed at reducing homelessness among inmates released from custody, as specified.</p> <p>The board may use up to 5 percent of the funds appropriated for the program each year for the costs of administering the program, including, without limitation, the employment of personnel and evaluation of activities supported by the grant funding. On or before July 1, 2026, the board shall compile a report describing the activities funded pursuant to this article, and the success of those activities in reducing recidivism by defendants participating in a program of diversion or deferred entry of judgment who receive services provided pursuant to this program. The report shall be submitted to the Legislature.</p> <p>This article shall remain in effect only until January 1, 2027, and as of that date is repealed.</p>	<p>Administer two grants and compile a report to the Legislature by 2026.</p>	<p>3/24/2022</p> <p>Set for hearing April 5.</p>

Agenda Item A

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, FEBRUARY 10, 2022 BOARD MEETING
Meeting Held Via Zoom & Teleconference

Pursuant to Executive Order N-1-22

The full recording of the meeting may be viewed here:

<https://www.youtube.com/watch?v=3UF6JHUKzes>

I. Call to Order

Chair Linda Penner called the meeting to order at 09:00 AM.

Chair Penner welcomed the Board Members and the public to the Zoom meeting.

Board Secretary Adam Lwin provided instructions to the Board members and the public for participating in the meeting.

Lwin called the roll and announced that there was a quorum.

The following members were in attendance on Zoom or Teleconference:

Chair Penner	Mr. Growdon	Ms. Gaard	Mr. Steinhart
Ms. Allison	Mr. Haynes	Mr. Mills	Ms. Chavez
Ms. Cumpian	Ms. Vernon	Mr. Budnick	

ABSENT BOARD MEMBERS:

Mr. Viera Rosa

II. Special Order of Business

Determination of Need to Take Action on Item Not Appearing on 10-Day Agenda
(Gov. Code, § 11125.3, subd. (a)(2))

[Inspection of Juvenile Halls for Suitability – \(Welf. & Inst. Code, § 209, subd. \(a\)\(4\) & \(d\)\)](#)

- [Central Juvenile Hall, Los Angeles County](#)

*Please note: based on additional information received from the County of Los Angeles, including recent updates of policies and procedures regarding medical isolation for COVID-19, this item will no longer be heard as a “determination of suitability” within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4). The county has been noticed of the new items of noncompliance, and will be required to submit a corrective action plan for the items described in the attached notice of noncompliance pursuant to Welfare and Institutions Code section 209, subdivision (d).

Chair Penner explained that this item will not require the Board’s action or vote. Instead, it will be a briefing on the latest inspection of the facility.

General Counsel Aaron Maguire explained that a follow-up inspection was conducted by Deputy Director Allison Ganter on February 3, 2022, and after reviewing documents submitted by Los Angeles County staff, BSCC staff determined the county was following guidelines in response to the COVID-19 Omicron surge. The BSCC provide a notice of corrective action requiring a submittal of a new corrective action plan.

Deputy Director Allison Ganter briefed the Board on her visit and findings to the Central Juvenile Hall’s Hope Center, the full report may be found here: [Central Juvenile Hall, Los Angeles County](#).

Mr. Mills asked if there were more than one individual who was kept in insolation for too long and if staff numbers were impacted by the Omicron surge at the facility.

Ganter stated that only one youth in the report was noticed. The error was made by the health provider at the facility. The intent of the medical provider was for the youth to be placed on medical isolation.

Mr. Haynes asked if this new instance would initiate a new 90-day time clock?

Maguire stated that staff will work with the county to meet appropriate timelines.

Public Comment was heard for the Information Items:

Aditi Sherikar: Asked the Board to complete more through inspections to keep youth safe.

Brian Goldstein: Expressed concern about the room confinement at the Los Angeles juvenile hall. Asked the BSCC to prioritize speaking to youth and revise the inspection process.

Nia MooreWeathers: Said the BSCC should be more transparent and have outreach with youth inside of facilities and connect with grassroots organizations on communicating with youth.

End of Public Comment

Chair Penner thanked Deputy Director Ganter and Field Representative Lisa Southwell for their work on Los Angeles and stated that the Board is ready to take proper action as necessary.

Mr. Steinhart stated that the violations in Los Angeles are concerning and that he appreciates that staff is working with them.

Mr. Mills asked what other remedies are available rather than shutting down the facility.

Maguire stated that there is a court monitor available at the facility due to the lawsuit by the Department of Justice. The BSCC does not have the authority to sue the facility but has the authority to find the facility suitable or not suitable.

Mr. Mills suggested there should be another solution and to research other options that the Board can do to address this matter.

Chair Penner stated that there are measures that need to be explored and there is a lot more work to be done.

Chair Penner acknowledged the retirement of Deputy Director Evonne Garner of the Standards and Training for Corrections Division of the BSCC.

Deputy Director Garner thanked the Board and reflected on her role at the BSCC for 17 years.

The Board members and Executive Director also thanked Garner for her support and dedication to the Board.

Chair Penner referenced for the Board the public comment letter received from Sue Burrell from the Pacific Juvenile Defender Center which can be found here:

[Public Comment from Pacific Juvenile Defender Center](#)

[Related Article to the Public Comment Letter](#)

III. Information Items

1. Chair's Report

- Penner reported on her visit to the California State Sheriff's Association (CSSA) meeting and is looking forward to working with CSSA on new grants coming from the Governor and the Legislature.

- Penner introduced Director Katherine Lucero and Counsel Alisa Hartz as the new leadership from the Office of Youth and Community Restoration (OYCR).

2. Executive Director's Report

[COVID-19 Update](#)

Director Howard stated the following:

- The Adult Daily Population has ranged from 59,000 to 61,000 since December 2020
- Total Number of Detained People Tested has increased in recent weeks across the majority of facilities and jurisdictions, along with the total number of detained people confirmed positive.
- Since the beginning of January 2022 there has been a spike in positive confirmed cases of COVID-19.
- Testing and positive cases are at peaks statewide, the positivity rates in January 2022 are similar to January 2021 rates.
- Recently, hospitalizations have increased along with the increase of confirmed positive cases. Although in the most recent week's available data, there were two <11 hospitalization(s) reported compared to higher numbers in prior weeks.
- Deaths: Fifteen <11 figures have been reported during the data collection (7/19/20 – 10/30/21). All fifteen <11 figures have been confirmed to be one death per <11 reported. 1 death in Fresno, 6 deaths in Los Angeles, 1 death in Marin, 1 death in Mariposa, 1 death in Mendocino, 2 deaths in Orange, 1 death in Santa Barbara, and 2 deaths in San Diego. The last death reported is from reporting period ending on 9/18/21.
- Confirmed Positive cases in juvenile facilities have significantly increased in the last four weeks. In total during the from July 19, 2020 through 12/18/21, there was only one report over the <11 figure. Since 12/19/21, there have been eight facilities reporting a weekly total over the <11 figure.
- Total Number of Juveniles tested have also significantly increased in the last three weeks.
- The BSCC does not report cases under 10 due to California Department of Public Health guidelines.

Howard referred to the public comment letter and the article received from Sue Burrell from the Pacific Juvenile Defender Center

Howard stated:

- The suspension of regulations is very transparent: the FSO team reviews all requests carefully and they are further reviewed by Chair Penner. Not every suspension is approved.
- The BSCC is willing to take suggestions on how to improve the process.
- The BSCC tracks any suspensions of regulations and the FSO teams reviews all instances

Howard briefed the Board on the Governor's FY 2022-2023 proposed budget and added that the Legislature is has started scheduling hearings to discuss the proposals. The budget summary is as follows:

Organized Retail Theft Prevention Grant

BSCC Budget Impact – New Competitive Grant Funds

- \$85 million General Fund annually through FY 2024-25
- This funding will be awarded to local law enforcement to combat organized retail crime. Police departments, county sheriffs, and probation departments will receive funding to enforce theft-related laws.

Vertical Prosecution Grant

BSCC Budget Impact – New Competitive Grant Funds

- \$10 million General Fund annually through FY 2024-25
- This funding will be awarded to District Attorneys to create dedicated retail theft prosecution teams. It will support those employing vertical prosecution, whereby one prosecutor handles every part of the trial process, from arraignment to sentencing. Localities involved in retail task forces and that have dedicated task force attorneys will be prioritized.

County Operated Juvenile Facilities Grant

BSCC Budget Impact – New Competitive Grant Funds

- \$100 million one-time General Fund

- This funding will be used to support improvements to county-operated juvenile facilities to make locations more conducive to serving justice-involved youth with a wide range of needs, with a focus on supporting trauma-informed care, restorative justice, and rehabilitative programming.
- Active conversations with Legislative budget staff

Proposition 47/Second Chance Fund

Budget Impact – Increased Funds

- DOF estimated net General Fund savings of \$147.3 million, which is an increase of \$31.1 million over amount saved in FY 2021-22.
- The savings can be attributed to the state’s reduced reliance on contract facilities to house prison inmates.
- The current estimated transfer to the BSCC is \$95.523 million, which is an increase of \$20.237 million from FY 2021-22. This amount represents the initiative-mandated 65% of the savings intended for grants to public agencies to support various recidivism reduction programs.

Proposition 64/Cannabis Tax Fund

Budget Impact – Increased Funds

- The Budget includes \$68.974 million from the Cannabis Tax Fund.
- 5% of the appropriation is reserved for administration support = \$3.5 million.
- 95% of the appropriation is reserved for local assistance = \$65.5 million.
- This is a \$22.9 million decrease from FY 2021-22’s allocation.

Howard reported that the California State Auditor conducted an audit on the San Diego Sheriff’s Department. The BSCC provided a response. The full report and the BSCC’s response may be found here: <https://www.auditor.ca.gov/reports/2021-109/index.html>

Howard added that the BSCC is continuing to look for ESC members for the Proposition 64 and the Byrne JAG Executive Steer Committees (ESC) and encouraged any interested participants to visit www.bscc.ca.gov to apply.

Mr. Steinhart stated that public comment letter from the Public Comment from Pacific Juvenile Defender Center raises the issue of capacity and a dialogue with the authors and if the BSCC needs additional staffing.

Howard responded that the BSCC is in the process of adding additional staff to enhance the inspection process and will be meeting with the authors in the upcoming week.

3. Legal Update

General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves of items that may have potential conflicts of interest pursuant to Government Code section 1091.

4. [Legislative Update](#)

Public Comment was Heard for Information Items

Avalon Edward: Requested that the BSCC take a more proactive approach on COVID-19 tracking in county jails and provide education to these facilities.

Brian Goldstein: COVID-19 remains a health crisis and encourages that the BSCC should collect vaccination rate of incarcerated people and staff.

Sue Burrell: Referenced the article [COVID-19 and California's Detained Youth: Vulnerable and Overlooked](#) and asked the BSCC to follow and take the recommendations in the article immediately and to apply it to future emergency situations.

End of Public Comment

IV. Action: Consent Items

- A. [Minutes from the November 16, 2021 Board Meeting: Requesting Approval](#)
- B. [Senate Bill 844 \(Adult Local Criminal Justice Facilities Construction - Contra Costa\) Scope Change: Requesting Approval](#)
- C. [Extension of Public Defense Pilot Program Application Deadline: Requesting Approval](#)

Mr. Growdon moved approval. Ms. Chavez seconded. The motion was approved by all other Board members to approve consent agenda items A-C.

D. [Edward Byrne Justice Assistance Grant \(JAG\) No- Cost Six-Month Extension: Requesting Approval](#)

Mr. Mills moved approval. Ms. Allison seconded. Mr. Growdon and Mr. Haynes recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

V. Action: Discussion Items

Chair Penner took the Agenda out of order and moved Agenda Item L as the first item of discussion.

L. [Indirect Costs Rate for the Board of State and Community Corrections Grant Programs: Requesting Approval](#)

Field Representative Helene Zentner presented this Agenda Item, which requested the Board's approval to increase the maximum indirect cost rate percentage allowed for state grant-funded projects to a grantee's federally approved indirect cost rate, not to exceed 20 percent. This change would apply prospectively to programs that currently do not have fully executed grant agreements.

Board members asked technical clarifying questions on salary, percentage, and the methodology of the indirect cost. Zentner explained the process.

Mr. Growdon moved approval. Mr. Budnick seconded. The motion was approved unanimously.

E. [Minimum Standards for Local Juvenile Detention Facilities, Title 15, and Title 24: Launch of the Regulation Revision Process, Solicitation of Community Input and Interest in Executive Steering Committee Membership: Requesting Approval](#)

Deputy Director Allison Ganter presented this Agenda item, which requested approval to launch the 2022 revision process for the juvenile Titles 15 and 24 Regulations, pursuant to the California Welfare and Institutions Code. The initial process will begin with a 90-day community input period, a community listening session, and a request on the BSCC website for statements of interest from people who are interested in serving on the Executive Steering Committee that will help inform the process, which is expected to last through early 2023.

OYCR Director Katherine Lucero has agreed to participate on the Executive Steering Committee.

Ms. Chavez requested the following five caveats to be added when requested members:

- One, staff to send out information relating to the process to BSCC members so that they can disseminate it to their bases and networks.
- Two, ESC members should send out information about the process to their bases as well.
- Three, ensure that the process is inclusive and accessible as it relates to language and access needs of the disability community. If needed, BSCC should contract with an expert to assist.
- Four, BSCC should hold virtual listening sessions in the evening per topic.
- Five, recommend for staff to look at how they can facilitate a 3rd party process to create a safe space for young people who are in detention facilities to participate in the process via surveys and the ESC should make a determination how to do that.

Public Comment was Heard for Agenda Item E

Nancy Juarez: Requested strong outreach and deadline, a system-impacted person should lead or co-lead and suggested the following: host a webinar a month before the applications is due; outreach to organizations outside of the current networks outside of the listserv; public comment should be accessible and inclusive; outreach and feedback from juveniles in the facilities through early surveys.

Miguel Garcia: Create an ESC with those with lived experience and at least half of the members should be community-based service providers.

Aditi Sherikar: Requested that the listening sessions be more accessible and contract with CBOs to solicit feedback from young people in the facilities for a balanced ESC.

Jason Piazza: Stated that those with a vaccine can contract COVID-19 and it is essential to isolate new intakes and thanked the BSCC the great work.

Ms. Chavez moved approval. Mr. Steinhart seconded. The motion was approved by all other Board members to approve Agenda Item E.

F. [Adult Reentry Grant Program, Cohort III Request for Proposal: Requesting Approval](#)

Field Representative Tanya Thompson presented this Agenda item, which requested Board's approval to release the Request for Proposals for the Cohort III Adult Reentry

Grant Warm Handoff grant program that makes available \$67 million for programs to support individuals as they are released from state prison.

Ms. Vernon thanked the staff who led this effort.

Mr. Haynes asked if the recipients could subcontract. Thompson responded that they are able to subcontract.

Mr. Steinhart moved approval. Mr. Haynes seconded. Mr. Budnick and Ms. Cumpian recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

G. [Proposition 47 Grant Program: Update on Demographics and Recidivism: Information Only](#)

Stacy Rilea, Research Data Specialist II presented a summary of the entire Proposition 47 Cohort I grant program as well as the first two years of the Proposition 47 Cohort II grant program administered by the Board of State and Community Corrections. Cohort I began in June 2017 and ended September 2021 following a one-year, no cost extension. During that time, more than 32,000 individuals received services, including mental health services, substance use disorder treatment, and diversion programs. For most grantees, the recidivism rates for participants were lower than the statewide average, suggesting that participants who completed the program requirements may be less likely to recidivate. Cohort II started in August 2019 and is expected to conclude in December 2022. During the first two years, more than 5,000 participants received services. Preliminary data indicate improvements in employment and housing rates for those participants.

Ms. Cumpian stated that the preliminary findings are exciting news.

Executive Director Howard expressed her appreciation for Rilea's work on this project and the Proposition 47 grantees.

This item did not require a vote.

H. [Proposition 47 Grant Program, Cohort III Request for Proposal: Requesting Approval](#)

Prior to the presentation on this Board item, Mr. Mills was not present, and Mr. Growdon, Ms. Chavez, Mr. Budnick, Mr. Haynes, and Ms. Cumpian recused themselves from the discussion citing potential remote interest (Gov. Code, § 1091) in the Proposition 47 Grant Program, Cohort III Request for Proposal. However, these recusals resulted in the Board lacking a quorum to proceed with the discussion. General Counsel Maguire invoked the “rule of necessity” citing the Board’s mandatory obligation to operate the Proposition 47 Grant Program. Through random drawing Ms. Cumpian was selected to return to the discussion to maintain a quorum.

Field Representative Dameion Renault presented this Agenda item, which requested that the Board approve for release the proposed Request for Proposals for the Proposition 47 Grant as recommended by its Executive Steering Committee. This updated RFP for the third round of Prop 47 funding represents the first significant changes in grant requirements since its inception in 2014. The Grant Agreement covers September 1, 2022 to June 1, 2026. Approximately \$143 million is projected to be available.

Ms. Gaard thanked the staff and the ESC for the hard work on this project.

Mr. Steinhart moved approval. Ms. Allison seconded. Mr. Mills was not present for the vote. Mr. Budnick and Ms. Chavez, Mr. Growdon, and Mr. Haynes had recused pursuant to Government Code Section 1091. The motion was approved by all other Board members.

I. [California Violence Intervention and Prevention Program \(CalVIP\) - Development of Service Contracts for Technical Assistance, Expanded Capacity, and Training for CalVIP Grants: Requesting Approval](#)

Field Representative Katrina Jackson presented this Agenda Item, which requested the Board’s approval to allocate \$1.8 million in funding to develop service contracts and supplemental grants for technical assistance, expanded capacity, and training for the California Violence Intervention and Prevention (CalVIP) program. The contracts would fund experts to build and expand capacity in the field of community-based violence intervention and prevention by providing training and certifications to community-based violence intervention and prevention professionals, provide mental health services to frontline workers, and convene grantee meetings to share best practices in violence

prevention strategies. Additional service contracts would fund experts that would provide technical assistance to grantees in fiscal structure and data collection.

Mr. Steinhart asked how the contractors would be selected. Jackson responded that the process would be competitive and will go through the state procurement process.

Ms. Chavez moved approval. Ms. Vernon seconded. Mr. Budnick abstained. Mr. Mills was not present for the vote. The motion was approved by all other Board members to approve Agenda Item I.

J. [Board of State and Community Corrections 2022 – 2026 Strategic Plan: Requesting Approval](#)

Field Representative John Prince presented this Agenda item, which requested the Board approval of the BSCC 2022-2026 Strategic Plan, which will be in effect for five years beginning January 1, 2022 and ending December 31, 2026. Following the Board's approval of the 2022-2026 BSCC Strategic Plan, the next step will be the development of strategies by BSCC staff. Staff plans to draft organizational strategies and performance indicators. For example, a strategy for Objective 1.1 may be to hold quarterly input sessions with the public.

Ms. Vernon moved approval. Mr. Growdon seconded. Mr. Mills was not present for the vote. The motion was approved by all other Board members to approve Agenda Item J.

K. [Local Detention Facilities Inspection Update: Requesting Approval](#)

Deputy Director Allison Ganter presented this Agenda Item, a regular update on the local detention facility inspections completed in the 2020/2022 Biennial Inspection Cycle, a summary of current outstanding items of noncompliance for biennial inspections, and a summary of current outstanding items of noncompliance for targeted inspections.

During their most recent inspections, Merced County's local detention facilities were found out of compliance with section 1027 of Title 15 of the California Code of Regulations, Staffing. The Merced County Sheriff's Department submitted a corrective action plan, indicating that additional funding from the Merced County Board of Supervisors will be requested to address staffing shortages. Because these staffing shortages directly relate to the safety of people housed in the facility, as well as staff, BSCC staff is recommending that the Board invite the Merced County Sheriff to appear

before the Board at the next scheduled meeting to discuss how the lack of compliance with section 1027 can be addressed.

Public Comment was Heard for This Item

Sarah Kahn: Reported that Orange County jail has been serving rotten, cold foods to incarcerated individuals. She has received news that those in the facility have not received adequate medical care as well. The inspection process should engage with incarcerated individuals.

End of Public Comment

Ms. Chavez asked clarification if the Board would need to request the Merced Board of Supervisors and the County Executive if the Board requested the Sheriff to appear.

Ms. Allison asked if the auditor could determine nutritional issues regarding the Orange County jails and if the Board has the authority to ask the public health department to ask to check the facility.

Ganter stated that the BSCC conducted a targeted inspection and found that the facility was serving hot food according to Title 15 regulations.

Ms. Cumpian asked if an unannounced inspection can be conducted.

Mr. Steinhart moved approval of staff's recommendation but to suspend approving Orange County Jail's recommendation until further investigation is conducted on the allegations of hot foods not being available for incarcerated individuals. Ms. Chavez seconded. Mr. Mills was not present for the vote. The motion was approved by all other Board members to approve Agenda Item K.

VI. Public Comment

Greg Minor: Request a reconsideration and support of their Proposition 64 budget modification. The request is within the scope of the grant.

Nancy Juarez: Referred to the State Auditor's San Diego Sheriff audit report. Asked the BSCC to adopt the recommendations made by the auditor's report.

VII. Adjourn

Counsel Maguire reminded the Board that the virtual meetings may expire on March 31, 2022 and the April 7, 2022 may be in-person. The option of participating remotely in the future requires the location to be posted online and in a public location that the public can access.

Meeting Adjourned at: 12:09 p.m.

Next Meeting: April 7, 2022

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Allison, Secretary, California Department of Corrections & Rehabilitations (CDCR)
3. Mr. Growdon, Sheriff, Lassen County
4. Mr. Mills, Chief of Police, Santa Cruz
5. Ms. Gaard, Retired Judge, Yolo County
6. Mr. Haynes, Chief Probation Officer, Fresno County
7. Ms. Vernon, Chief Probation Officer, Kings County
8. Mr. Steinhart, Director, Commonwealth Juvenile Justice Program
9. Mr. Budnick, Founder, Anti-Recidivism Coalition
10. Ms. Chavez, Supervisor, Santa Clara County
11. Ms. Cumpian, Associate Director Anti-Recidivism Coalition Women's and Non-Binary Services

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, General Counsel
Tracie Cone, Communications Director
Allison Ganter, Deputy Director, Facility Standards and Operations
Adam Lwin, Board Secretary
Helene Zentner, Field Representative, Corrections Planning and Grants Program
Katrina Jackson, Field Representative, Corrections Planning and Grants Program
Stacy Riley, Research Data Specialist II, Research Unit
Dameion Renealt, Field Representative, Corrections Planning and Grants Program
John Prince, Field Representative, Corrections Planning and Grants
Tonya Thompson, Field Representative, Corrections Planning and Grants

Agenda Item B

MEETING DATE: April 7, 2022

AGENDA ITEM: B

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Adult Regulation Revision: Approve Updated Revisions: **Requesting Approval**

Summary

On November 18, 2021, the BSCC Board approved the final revisions to the Titles 15 and 24 Regulations for Adult Local Detention Facilities (Cal. Code Regs., tit. 15, §§ 1000-1282). BSCC staff filed the final revisions with the Office of Administrative Law (OAL), and the regulations are currently open for public comment through April 18, 2022.

BSCC staff made minor, non-substantive edits to the final revisions after Board approval and prior to OAL filing; this report is a summary of those edits. BSCC staff is requesting approval of the updated final revisions.

Background

The Board of State and Community Corrections is required to review minimum standards for local detention facilities biennially and make appropriate revisions, pursuant to Penal Code section 6030, subdivision (a).

BSCC staff provided final revisions to the BSCC Board on November 18, 2021; the BSCC approved those revisions and authorized staff to begin the rulemaking process for adoption and implementation with the Office of Administrative Law (OAL). A Notice of Proposed Action was published with the OAL on March 4, 2022; this Notice begins a 45-day public comment period that will run through April 18, 2022.

When preparing to file the final approved revisions with the OAL, BSCC staff made some non-substantive edits to the document; this report is a summary of those edits and a request for the BSCC Board to approve the updated final revisions. OAL requires that the governing body of an agency approve all final revisions to regulations.

Edits include:

§ 1058. Use of Restraint Devices: The word “continuous” was erroneously left out before “direct visual observation” in section (b) 5.

Final Revisions 11.18.21:

(5) Direct visual observation shall be maintained until a medical opinion can be obtained.

Updated Revisions submitted to OAL:

(5) Continuous direct visual observation shall be maintained until a medical opinion can be obtained.

§ 1073, Grievance Procedure: Correcting a grammatical error in section (a):

Final Revisions 11.18.21:

“ . . . included but not limited to: medical care . . . ”

Updated Revisions submitted to OAL:

“ . . . included but not limited to: medical care . . . ”

§1083. Limitations on Disciplinary Actions: A period was added in the first sentence to break up a run on sentence:

Final Revisions 11.18.21:

The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment, disciplinary actions shall not include corporal punishment, group punishment when feasible, and/or physical or psychological degradation.

Updated Revisions submitted to OAL:

The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment. Disciplinary actions shall not include corporal punishment, group punishment when feasible, and/or physical or psychological degradation.

§ 1102. Classification: A plural “s” was removed in section (d) in reference to Section 208(c):

Final Revisions 11.18.21:

(d) provide that minors be housed separately from adults and not be allowed to come or remain in contact with adults except as provided in Sections 208(c) of the Welfare and Institutions Code.

Updated Revisions submitted to OAL:

(d) provide that minors be housed separately from adults and not be allowed to come or remain in contact with adults except as provided in Sections 208(c) of the Welfare and Institutions Code.

§ 1207. Medical Receiving Screening: The term “for persons sentenced to incarceration” was replaced with a clearer and more appropriate term, “incarcerated persons.”

Final Revisions 11.18.21:

The facility administrator and responsible physician shall develop a written plan for complying with Penal Code Section 2656 (orthopedic or prosthetic appliance used by ~~inmates~~ persons sentenced to incarceration).

Updated Revisions submitted to OAL:

The facility administrator and responsible physician shall develop a written plan for complying with Penal Code Section 2656 (orthopedic or prosthetic appliance used by ~~inmates~~ incarcerated persons).

§ 1207.5. Special Mental Disorder Assessment: The term “mental disorder” has been replaced with “behavioral health” in these regulations; updated the title of this regulation to reflect this change;

Final Revisions 11.18.21:

§ 1207.5. Special Mental Disorder Assessment

Updated Revisions submitted to OAL:

§ 1207.5. Special ~~Mental Disorder~~ Behavioral Health Assessment

§ 1209. Mental Health Services and Transfer to Treatment Facility: “State Department of Mental Health” was replaced with the correct agency “State Department of Health Care Services” in section (b).

Final Revisions 11.18.21:

“ . . . and approved by the State Department of Mental Health for . . . ”

Updated Revisions submitted to OAL:

“ . . . and approved by the State Department of ~~Mental Health~~ Health Care Services for . . . ”

Recommendation/Action Needed

Approve updated revisions made to final Adult Title 15 Regulation revisions.

Attachments

B-1: Final Revisions Submitted 11.18.21

B-2: Updated Revisions Submitted to OAL

Attachment B-1



Title 15 Minimum Standards For Local Detention Facilities

**Title 15-Crime Prevention and Corrections
Division 1, Chapter 1, Subchapter 4**

2019 Regulation Revision



Adult Title 15 Minimum Standards

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Adult Title 15 Minimum Standards

Minimum Standards for Adult Facilities
 Title 15. Crime Prevention and Corrections
 Division 1, Chapter 1, Subchapter 4

Effective April 1, 2018

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ARTICLE 1. GENERAL INSTRUCTIONS

§ 1004. Severability.

If any article, section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Board, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1005. Other Standards and Requirements.

Nothing contained in the standards and requirements hereby fixed shall be construed to prohibit a city, county, or city and county agency operating a local detention facility from adopting standards and requirements governing its own employees and facilities; provided, such standards and requirements meet or exceed and do not conflict with these standards and requirements. Nor shall these regulations be construed as authority to violate any state fire safety standard, building standard, or health and safety code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1006. Definitions.

The following definitions shall apply:

“Administering Medication,” as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed), or dispensed supplies.

“Administrative ~~segregation~~separation” means the physical separation of different types of ~~inmates~~incarcerated persons from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of these regulations. Administrative ~~segregation~~separation is accomplished to provide that level of control and security necessary for good management and the protection of staff and ~~inmates~~incarcerated persons.

“Alternate means of compliance” means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Board pursuant to an application.

“Average daily population” means the number of ~~inmates~~incarcerated persons housed in a facility in a day. Average daily population (ADP) is the daily population divided by the number of days in the period of measurement.

“Board” means the Board of State and Community Corrections, whose board acts by and through its executive director, deputy directors, and field representatives.

Adult Title 15 Minimum Standards

“Clean” means laundered immediately prior to issue unless new or, in the case of mattresses and items that cannot be laundered, disinfected immediately prior to issue.

“Clinical evaluation” means an assessment of a person's physical and/or mental health condition conducted by licensed health personnel operating within recognized scope of practice specific to their profession and authorized by a supervising physician or psychiatrist.

“Concept drawings” means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

“Contact” means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between incarcerated adults inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between incarcerated adults inmates and juvenile offenders.

“Court Holding facility” means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

“Custodial personnel” means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent sworn or civilian rank whose duties include the supervision of inmates incarcerated persons.

“Delivering Medication,” as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

“Design-bid-build” means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

“Design-build” means a construction procurement process in which both the design and construction of a project are procured from a single entity.

“Developmentally disabled” means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes cognitive and intellectual disabilities ~~mental retardation~~, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to cognitive and intellectual disabilities ~~mental retardation~~ or to require treatment similar to that required for ~~mentally retarded individuals~~.

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“Direct visual observation” means direct personal view of the ~~inmate~~ incarcerated person in the context of ~~his/her~~ their surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment.

“Disciplinary separation” means ~~that punishment~~ the status assigned an ~~person~~ inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit.

“Dispensing,” as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging, and labeling of the drug based upon a prescription from a physician, dentist, or other prescriber authorized by law.

“Disposal,” as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

“Emergency” means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.

“Emergency medical situations” means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

“Exercise” means the opportunity for physical exertion ~~of large muscle groups.~~

“Facility/system administrator” means the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility/system.

“Facility manager” means the jail commander, camp superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

“Facility watch commander” means the individual designated by the facility manager to make operational decisions during ~~his/her~~ their work hours.

“Gender expression” means the manner in which gender is expressed through clothing, appearance, behavior, speech, etc.

“Gender identity” means a person's sense of being male, female, some combination of male or female, or neither male nor female.

Adult Title 15 Minimum Standards

“Health authority” means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

“Health care” means medical, mental health and dental services.

“In-person visit” means an on-site visit that may include barriers. In-person visits include interactions in which an ~~inmate~~incarcerated person has physical contact with a visitor, ~~the inmate~~ is able to see a visitor through a barrier, or ~~the inmate~~ is otherwise in a room with a visitor without physical contact. “In-person visit” does not include an interaction between an ~~inmate~~incarcerated person and a visitor through the use of an on-site two-way audio/video terminal.

“Jail,” as used in Article 8, means a Type II or III facility as defined in the “Minimum Standards for Local Detention Facilities.”

“Labeling,” as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

“Law enforcement facility” means a building that contains a Type I Jail, Temporary Holding Facility, or Lockup. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

“Legend drugs” are any drugs defined as “dangerous drugs” under Chapter 9, Division 2, Section 4211 of the California Business and Professions Code. These drugs bear the legend, “Caution Federal Law Prohibits Dispensing Without a Prescription.” The Food and Drug Administration (FDA) has determined because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

“Living areas” means those areas of a facility utilized for the day-to-day housing and activities of ~~inmates~~incarcerated persons. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

“Local detention facility” means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

Adult Title 15 Minimum Standards

“Local detention system” means all of the local detention facilities that are under the jurisdiction of a city, ~~county~~county, or combination thereof whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in statute.

“Local Health Officer” means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

“Lockup” means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced ~~prisoners~~persons who are inmate~~—incarcerated~~ workers may reside in the facility to carry out appropriate work.

“May” is permissive; “shall” is mandatory.

“Medical detoxification” means a process that systematically and safely withdraws people ~~from who may be addicted to addicting drugs or alcohol, usually~~ under the care of a ~~physician~~licensed medical provider. ~~Drinking alcohol or using prescribed and/or illicit drugs can cause physical and/or psychological dependence over time and stopping them can result in withdrawal symptoms in people with this dependence.~~ The detoxification process is designed to treat the immediate bodily effects of stopping drug or alcohol use that may be life-threatening.

“Mental Health Director,” means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

“Non-secure custody” means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

“~~Non-sentenced inmate,~~” means an inmate~~in~~incarcerated person with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

“Out of cell time” means time spent outside of the sleeping area, where an individual has the opportunity to exercise or participate in recreation.

“Over-the-counter (OTC) Drugs,” as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).

“~~People with disabilities~~” includes, but is not limited to, ~~persons with a physical or mental impairment that substantially limits one or more of their major life activities or those~~

Adult Title 15 Minimum Standards

~~persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.~~

“Performance criteria” means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type, and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency's needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

“Pilot Project” means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Board.

“Procurement,” as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

“Psychotropic medication” means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

“Rated capacity” means the number of ~~inmate~~incarcerated occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary separation housing, were planned and designed in conformity to the standards and requirements contained in Title 15 and in Title 24.

“Recreation” means the individual's ability to choose from activities that occupy the attention and offer the opportunity for relaxation and may include reading, games, socialization, entertainment, education, and programs.

“Regional Center for Developmentally Disabled” means those private agencies throughout the state, funded through the Department of Developmental Services, which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

“Remodel” means to alter the facility structure by adding, deleting, or moving any of the buildings' components thereby affecting any of the spaces specified in Title 24, Part 2, Section 1231.

“Repackaging,” as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturers' container to another properly labeled container.

“Repair” means to restore to original condition or replace with like-in-kind.

Adult Title 15 Minimum Standards

"Responsible health care staff" means an individual who is qualified by education, training, ~~and/or~~ licensure/regulation and/or facility privileges (when applicable) who performs a professional service within ~~his or her~~ their scope of practice and in accordance with assigned duties. This distinguishes the "responsible health care staff" from the many other "qualified health care staff" that are not specifically assigned to assure that certain care is rendered.

"Safety checks" means direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of ~~inmates~~ incarcerated people.

"Secure custody" means that a minor being held in temporary custody in a law enforcement facility is locked in a room, ~~or~~ enclosure, and/or is physically secured to a cuffing rail or other stationary object.

"Security glazing" means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

~~"Sentenced inmate,"~~ means an inmate person that is ~~is~~ has been sentenced/committed to custody in a local detention facility. ~~on all local charges.~~

"Serviceable" means mattresses that lack holes or tears and have sufficient padding.

"Sexual abuse" has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012), hereby incorporated by reference.

"Sexual harassment" has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012), hereby incorporated by reference.

"Shall" is mandatory; "may" is permissive.

"Sobering cell" as referenced in Section 1056, refers to an initial "sobering up" place for ~~arrestees~~ people who are sufficiently intoxicated from any substance to require a protected environment.

"Storage," as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

"Supervision in a law enforcement facility" means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

"Supervisory custodial personnel" means those staff members whose duties include direct supervision of custodial personnel.

Adult Title 15 Minimum Standards

"Telehealth" means a collection of means or methods for enhancing health care using telecommunications technologies. Telehealth encompasses a broad variety of technologies to deliver virtual health services.

"Temporary custody" means that the minor is not at liberty to leave the law enforcement facility.

"Temporary Holding facility" means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.

"Trauma" is an experience that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.

"Type I facility" means a local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or ~~sentenced those committed~~ to a city jail ~~as an inmate worker, and or may house inmate workers~~ people sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate person incarcerated. As used in this section, an ~~inmate incarcerated~~ worker is defined as a person assigned to perform designated tasks outside of ~~his/her~~ their cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a ~~five day~~ five-day scheduled work week.

"Type II facility" means a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.

"Type III facility" means a local detention facility used only for the detention of convicted and sentenced persons.

"Type IV facility" means a local detention facility or portion thereof designated for ~~the housing of inmates eligible~~ under Penal Code Section 1208 for work/education furlough ~~and/or~~ other programs involving ~~inmate~~ access into the community.

"Video visitation" has the same meaning as Penal Code Section 4032.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

Adult Title 15 Minimum Standards

§ 1007. Pilot Projects.

The pilot project is the short-term method used by a local detention facility/system, approved by the Board, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Board may, upon application of a city, county or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

- (a) The regulations which the pilot project will affect.
- (b) Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (c) The applicant's history of compliance or non-compliance with standards.
- (d) A summary of the "totality of conditions" in the facility or facilities, including but not limited to;
 - (1) program activities, exercise and recreation;
 - (2) adequacy of supervision;
 - (3) types of ~~inmates~~ incarcerated persons affected; and,
 - (4) ~~inmate~~ classification procedures.
- (e) A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.
- (f) The projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any.
- (g) A plan for developing and implementing the pilot project including a time line where appropriate.
- (h) A statement of how the overall goal of providing safety to incarcerated people and staff and ~~inmates~~ will be achieved.

The Board shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

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When an application for a pilot project is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Board may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 1008 of these regulations.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6029, Penal Code.

§ 1008. Alternate Means of Compliance.

The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Board, to encourage responsible innovation and creativity in the operation of California's local detention facilities. The Board may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated (as defined in Section 1007). The city, county, or city and county must present the completed application to the Board no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- (a) Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (b) The applicant's history of compliance or non-compliance with standards.
- (c) A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - (1) program activities, exercise and recreation;
 - (2) adequacy of supervision;
 - (3) types of ~~inmates~~ incarcerated persons affected; and,
 - (4) ~~inmate~~-classification procedures.
- (d) A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- (e) The projected costs of the alternative and projected cost savings to the city, county, or city and county if any.

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- (f) A plan for developing and implementing the alternative including a ~~time line~~timeline where appropriate.
- (g) A statement of how the overall goal of providing safety to incarcerated people and staff ~~and inmates~~ was achieved during the pilot project evaluation phase (Section 1007).

The Board shall consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, ~~time~~time, and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Board may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 2. INSPECTION AND APPLICATION OF STANDARDS

§ 1010. Applicability of Standards.

- (a) All standards and requirements contained herein shall apply to Types I, II, III and IV facilities except as specifically noted in these regulations.

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(b) Court holding facilities shall comply with the following regulations:

- (1) 1012, Emergency Suspensions of Standards or Requirements
- (2) 1018, Local Detention Facility Appeal Process
- (3) 1024, Court Holding and Temporary Holding Facility Training
- (4) 1027, Number of Personnel
- (5) 1027.5, Safety Checks
- (6) 1028, Fire and Life Safety Staff
- (7) 1029, Policy and Procedures Manual
- (8) 1030, Suicide Prevention Program
- (9) 1032, Fire Suppression Preplanning
- (10) 1044, Incident Reports
- (11) 1046, Death in Custody
- (12) 1050, Classification Plan
- (13) 1051, Communicable Diseases
- (14) 1052, ~~Mentally Disordered Inmates~~ Behavioral Crisis Identification
- (15) 1053, ~~Administrative Segregation~~ Separation
- (16) 1057, ~~Developmentally Disabilities~~ led Inmates
- (17) 1058, Use of Restraint Devices
- (18) 1058.5, Restraints and Pregnant ~~Inmates~~ Persons
- (19) 1068, Access to Courts and Counsel
- (20) Title 24, Section 13-102(c)1, Letter of Intent
- (21) Title 24, Section 13-102(c)3, Operational Program Statement
- (22) Title 24, Section 13-102(c)5, Submittal of Plans and Specifications
- (23) Title 24, Section 13-102(c)6C, Design Requirements
- (24) Title 24, Part 2, Section 1231.2, Design Criteria for Required Spaces
- (25) Title 24, Part 2, Section 1231.3, Design Criteria for Furnishings and Equipment
- (26) 1200, Responsibility for Health Care Services
- (27) 1220, First Aid Kit(s)
- (28) 1246, Food Serving and Supervision
- (29) 1280, Facility Sanitation, Safety, Maintenance

(c) In addition to the regulations cited above, court holding facilities that hold minors shall also comply with the following regulations:

- (1) 1047, Serious Illness of a Minor in an Adult Detention Facility
- (2) 1122.5, Pregnant Minors
- (3) 1160, Purpose
- (4) 1161, Conditions of Detention
- (5) 1162, Supervision of Minors
- (6) 1163, Classification

(d) Temporary holding facilities shall comply with the following regulations:

- (1) 1012, Emergency Suspensions of Standards or Requirements
- (2) 1018, Local Detention Facility Appeal Process
- (3) 1024, Court Holding and Temporary Holding Facility Training

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- (4) 1027, Number of Personnel
- (5) 1027.5, Safety Checks
- (6) 1028, Fire and Life Safety Staff
- (7) 1029, Policy and Procedures Manual
- (8) 1030, Suicide Prevention Program
- (9) 1032, Fire Suppression Preplanning
- (10) 1044, Incident Reports
- (11) 1046, Death in Custody
- (12) 1050, Classification Plan
- (13) 1051, Communicable Diseases
- (14) 1052, ~~Mentally Disordered Inmates~~ Behavioral Crisis Identification
- (15) 1053, ~~Administrative Segregation~~ Separation
- (16) 1057, ~~Developmentally Disabilities~~ Inmates
- (17) 1058, Use of Restraint Devices
- (18) 1058.5, Restraints and Pregnant ~~Inmates~~ Persons
- (19) 1067, Access to Telephone
- (20) 1068, Access to Courts and Counsel
- (21) Title 24, Section 13-102(c)1, Letter of Intent
- (22) Title 24, Section 13-102(c)3, Operational Program Statement
- (23) Title 24, Section 13-102(c)5, Submittal of Plans and Specifications
- (24) Title 24, Section 13-102(c)6C, Design Requirements
- (25) Title 24, Part 2, Section 1231.2, Design Criteria for Required Spaces
- (26) Title 24, Part 2 Section 1231.3, Design Criteria for Furnishings and Equipment
- (27) 1200, Responsibility for Health Care Services
- (28) 1207, Medical Receiving Screening
- (29) 1209, Transfer to Treatment Facility
- (30) 1212, Vermin Control
- (31) 1213, Detoxification Treatment
- (32) 1220, First Aid Kit(s)
- (33) 1240, Frequency of Serving
- (34) 1241, Minimum Diet
- (35) 1243, Food Service Plan
- (36) 1246, Food Serving and Supervision
- (37) 1280, Facility Sanitation, Safety, Maintenance

(e) The following sections are applicable to temporary holding facilities where such procedural or physical plant items are utilized.

- (1) 1055, Use of Safety Cell
- (2) 1056, Use of Sobering Cell
- (3) 1058, Use of Restraint Devices
- (4) 1058.5, Restraints and Pregnant ~~Inmates~~ Persons
- (5) 1080, Rules and Disciplinary ~~Penalties~~ Actions
- (6) 1081, Plan for ~~Inmate Discipline~~ of Incarcerated Persons
- (7) 1082, Forms of Discipline
- (8) 1083, Limitations on Disciplinary Actions

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- (9) 1084, Disciplinary Records
- (10) Title 24, Part 2, Section 1231.2.1 Area for Reception and Booking
- (11) Title 24, Part 2, Section 1231.2.4 Sobering Cell
- (12) Title 24, Part 2, Section 1231.2.5 Safety Cell
- (13) Title 24, Part 2, Section 1231.3.4 Design Criteria for Showers
- (14) Title 24, Part 2, Section 1231.3.5 Design Criteria for Beds/Bunks
- (15) Title 24, Part 2, Section 1231.3.8 Design Criteria for Cell Padding
- (16) 1270, Standard Bedding and Linen Issue
- (17) 1272, Mattresses

(f) Law enforcement facilities, including lockups, that hold minors in temporary custody shall, in addition to the previously cited applicable regulations, comply with the following regulations:

- (1) 1046, Death in Custody
- (2) 1047, Serious Illness of a Minor in an Adult Detention Facility
- (3) 1140, Purpose
- (4) 1141, Minors Arrested for Law Violations
- (5) 1142, Written Policies and Procedures
- (6) 1143, Care of Minors in Temporary Custody
- (7) 1144, Contact Between Minors and Adult Prisoners
- (8) 1145, Decision on Secure Detention
- (9) 1146, Conditions of Secure Detention
- (10) 1147, Supervision of Minors Held Inside a Locked Enclosure
- (11) 1148, Supervision of Minors in Secure Detention Outside a Locked Enclosure
- (12) 1149, Criteria for Non-secure Custody
- (13) 1150, Supervision of Minors in Non-secure Custody
- (14) 1151, Intoxicated and Substance Abusing Minors in a Lockup

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1012. Emergency Suspensions of Standards or Requirements.

Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any standard or requirement herein prescribed in the event of any emergency which threatens the safety of a local detention facility, ~~its inmates~~ incarcerated people, ~~or~~ staff, or the public. Only such regulations directly affected by the emergency may be suspended. The facility administrator shall notify the Board in writing in the event that such a suspension lasts longer than three days. Suspensions lasting for more than 15 days require approval of the chairperson of the Board. Such approval shall be effective for the time specified by the chairperson.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

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§ 1013. Criminal History Information.

Such criminal history information as is necessary for conducting facility inspections as specified in Section 6031.1 of the Penal Code and detention needs surveys as specified in Section 6029 of the Penal Code shall be made available to the staff of the Board. Such information shall be held confidential except that published reports may contain such information in a form which does not identify an individual.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Sections 6029, 6030, and 11105 Penal Code.

§ 1016. Contracts for Local Detention Facilities.

In the event that a county, city or city and county contracts for a local detention facility with a community-based public or private organization, compliance with appropriate Title 15 and Title 24 regulations shall be made a part of the contract. Nothing in this standard shall be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in statute.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1018. Local Detention Facility Appeal Process.

The appeal hearing procedures are intended to provide a review concerning the Board application and enforcement of standards and regulations in local detention facilities and lockups. A county, city, or city and county facility may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

(a) Levels of Appeal.

- (1) There are two levels of appeal as follows:
 - (A) appeal to the Executive Director; and,
 - (B) appeal to the Board.
- (2) An appeal shall first be filed with the Executive Director.

(b) Appeal to the Executive Director.

- (1) If a county, city, or city and county facility is dissatisfied with an action of the Board staff, it may appeal the cause of the dissatisfaction to the Executive Director. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.
- (2) The appeal shall be in writing and:
 - (A) state the basis for the dissatisfaction;
 - (B) state the action being requested of the Executive Director; and,
 - (C) attach any correspondence or other documentation related to the cause for dissatisfaction.

(c) Executive Director Appeal Procedures.

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- (1) The Executive Director shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days except in those cases where the appellant withdraws or abandons the appeal.
- (2) The procedural time requirement may be waived with the mutual consent of the appellant and the Executive Director.
- (3) The Executive Director may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant sources of information deemed appropriate.

(d) Executive Director's Decision.

The decision of the Executive Director shall be in writing and shall provide the rationale for the decision.

(e) Request for Appeal Hearing by Board.

- (1) If a county, city, or city and county facility is dissatisfied with the decision of the Executive Director, it may file a request for an appeal hearing with the Board. Such appeal shall be filed within 30 calendar days after receipt of the Executive Director's decision.
- (2) The request shall be in writing and:
 - (a) state the basis for the dissatisfaction;
 - (b) state the action being requested of the Board; and,
 - (c) attach any correspondence related to the appeal from the Executive Director.

(f) Board Hearing Procedures.

- (1) The hearing shall be conducted by a hearing panel designated by the Chairman of the Board at a reasonable time, date, and place, but not later than 21 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
- (2) The procedural time requirements may be waived with mutual consent of the parties involved.
- (3) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
- (4) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
- (5) The hearing is not formal or judicial in nature. Pertinent and relative information, whether written or oral, shall be accepted. Hearings shall be tape recorded.
- (6) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board at its next regular public meeting.

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- (g) Board of State and Community Corrections Decision.
- (1) The Board, after receiving the proposed decision, may:
 - (a) adopt the proposed decision;
 - (b) decide the matter on the record with or without taking additional evidence; or,
 - (c) order a further hearing to be conducted if additional information is needed to decide the issue.
 - (2) The Board, or notice of a new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant.
 - (3) The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
 - (4) The decision of the Board shall be final.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 3. TRAINING, PERSONNEL AND MANAGEMENT

§ 1020. Corrections Officer Core Course.

(a) In addition to the provisions of California Penal Code Section 831.5, all custodial personnel of a Type I, II, III, or IV facility shall successfully complete the "Corrections Officer Core Course" as described in Section 179 of Title 15, CCR, within one year from the date of assignment.

(b) Custodial Personnel who have successfully completed the course of instruction required by Penal Code Section 832.3 shall also successfully complete the "Corrections Officer Basic Academy Supplemental Core Course" as described in Section 180 of Title 15, CCR, within one year from the date of assignment.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1021. Jail Supervisory Training.

Prior to assuming supervisory duties, jail supervisors shall complete the core training requirements pursuant to Section 1020, Corrections Officer Core Course. In addition, supervisory personnel of any Type I, II, III or IV jail shall also be required to complete either the STC Supervisory Course (as described in Section 181, Title 15, CCR) or the POST supervisory course within one year from date of assignment.

Note: Authority cited: Sections 6030, 6031.6 and 6035, Penal Code. Reference: Section 6030, Penal Code.

§ 1023. Jail Management Training.

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Managerial personnel of any Type I, II, III or IV jail shall be required to complete either the STC management course (as described in Section 182, Title 15, CCR) or the POST management course within one year from date of assignment.

Note: Authority cited: Sections 6030, 6031.6 and 6035, Penal Code. Reference: Section 6030, Penal Code.

§ 1024. Court Holding and Temporary Holding Facility Training.

At a minimum, all supervisors of, and personnel who supervise inmates incarcerated persons in, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized corrections training. ~~Custodial personnel who supervise inmates in, and supervisors of, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized training.~~ Such training shall include, but not be limited to:

- (a) applicable minimum jail standards;
- (b) jail operations liability;
- (c) inmate segregation ~~separation of incarcerated persons~~;
- (d) emergency procedures and planning, fire and life safety; and;
- (e) suicide prevention;
- (f) de-escalation;
- (g) juvenile procedures;
- (h) racial bias; and,
- (e)(i) mental illness.

Such training shall be completed as soon as practical, but in any event not more than six months after the date of assigned responsibility, ~~or the effective date of this regulation.~~ Successful completion of Core training or supplemental Core training, pursuant to Section 1020, Corrections Officer Core Course, may be substituted for the initial eight hours of training.

A total of ~~E~~eight hours of refresher training shall be completed ~~once~~ every two years. Successful completion of the requirements in Section 1025, Continuing Professional Training may be substituted for the eight-hour refresher.

Each agency shall determine if additional training is needed based upon, but not limited to, the complexity of the facility, the number of ~~inmates~~ people incarcerated, the employees' level of experience and training, and other relevant factors.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

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§ 1025. Continuing Professional Training.

With the exception of any year that a core training module is successfully completed, all facility/system administrators, managers, supervisors, and custody personnel of a Type I, II, III, or IV facility shall successfully complete the “annual required training” specified in Section 184 of Title 15, CCR.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1027. Number of Personnel.

A sufficient number of personnel shall be employed in each local detention facility to ensure the implementation and operation of the programs and activities required by these regulations.

Whenever there is an ~~inmate~~ person in custody, there shall be at least one employee on duty at all times in a local detention facility or in the building which houses a local detention facility who shall be immediately available and accessible to ~~inmates~~ incarcerated people in the event of an emergency. Such an employee shall not have any other duties which would conflict with the supervision and care of ~~inmates~~ incarcerated people in the event of an emergency. Whenever one or more ~~inmates~~ females are in custody, there shall be at least one female employee who shall be immediately available and accessible to such females.

Additionally, in Type IV programs the administrator shall ensure a sufficient number of personnel to provide case review, program support, and field supervision.

In order to determine if there is a sufficient number of personnel for a specific facility, the facility administrator shall prepare and retain a staffing plan indicating the personnel assigned in the facility and their duties. Such a staffing plan shall be reviewed by the Board staff at the time of their biennial inspection. The results of such a review and recommendations shall be reported to the local jurisdiction having fiscal responsibility for the facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, 6031 and 6031.1, Penal Code.

§ 1027.5 Safety Checks.

The facility administrator shall develop and implement policy and procedures for conducting safety checks that include but are not limited to the following:

Safety checks will determine the safety and well-being of individuals and shall be conducted at least hourly through direct visual observation of all inmates people held and housed in the facility.

(a) There shall be no more than a 60-minute lapse between safety checks.

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- (b) Safety checks for people in sobering cells, safety cells, and restraints shall occur more frequently as outlined in the relevant regulations.
- (c) Safety checks shall occur at random or varied intervals.
- (d) There shall be a written plan that includes the documentation of ~~routine~~ all safety checks. Documentation shall include:
- (1) the actual time at which each individual safety check occurred;
 - (2) the location where each individual safety check occurred, such as a cell, module, or dormitory number; and,
 - (3) Initials or employee identification number of staff who completed the safety check(s).
- (a)(e) A documented process by which safety checks are reviewed at regular defined intervals by a supervisor or facility manager, including methods of mitigating patterns of inconsistent documentation, or untimely completion of, safety checks.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1028. Fire and Life Safety Staff.

Pursuant to Penal Code Section 6030(c), effective January 1, 1980, whenever there is ~~an~~ inmate ~~a~~ person in custody, there shall be at least one person on duty at all times who meets the training standards established by the Board for general fire and life safety. The facility manager shall ensure that there is at least one person on duty who trained in fire and life safety procedures that relate specifically to the facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1029. Policy and Procedures Manual.

Facility administrator(s) shall develop and publish a manual of policy and procedures for the facility. The policy and procedures manual shall address all applicable Title 15 and Title 24 regulations and shall be comprehensively reviewed and updated at least every two years. Such a manual shall be made available to all employees.

- (a) The manual for Temporary Holding, Type I, II, and III facilities shall provide for, but not be limited to, the following:
- (1) Table of organization, including channels of communications.
 - (2) Inspections and operations reviews by the facility administrator/manager.
 - (3) Policy on the use of force that meets current state and federal legal requirements and includes prohibition of the use of carotid holds.
 - (4) Policy on the use of restraint equipment, including the restraint of pregnant ~~inmates~~ persons as referenced in Penal Code Section 3407.
 - (5) Procedure and criteria for screening newly received ~~inmates~~ persons for release, per ~~Penal Code sections 849(b)(2) and 853.6,~~ and any other such processes as the facility administrator is empowered to use.

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- (6) Security and control including physical counts of ~~inmates~~, and searches of the facility and inmates incarcerated persons, contraband control, and key control. Each facility administrator shall, at least annually, review, evaluate, and make a record of security measures. The review and evaluation shall include internal and external security measures of the facility including security measures specific to prevention of sexual abuse and sexual harassment.
- (7) Emergency procedures include:
- (A) fire suppression preplan as required by section 1032 of these regulations;
 - (B) escape, disturbances, and the taking of hostages;
 - (C) mass arrests;
 - (D) natural disasters;
 - (E) periodic testing of emergency equipment; and,
 - (F) storage, issue, and use of weapons, ammunition, chemical agents, and related security devices.
- (8) Suicide Prevention.
- (9) ~~Segregation~~ Separation of Inmates incarcerated persons.
- (10) Zero tolerance in the prevention of sexual abuse and sexual harassment.
- (11) Policy and procedure to detect, prevent, and respond to retaliation against any staff or inmate person after reporting any abuse.
- (12) Release policy, including release planning for the individual incarcerated persons.
- (b) The policies and procedures required in subsections (a)(6) and (a)(7) may be placed in a separate manual to ensure confidentiality.
- (c) The manual for court holding facilities shall include all of the procedures listed in subsection (a), except number (5).
- (d) The manual for Type IV facilities shall include, in addition to the procedures required in subsection (a), except number (5), procedures for:
- (1) accounting of ~~inmate~~ funds belonging to incarcerated people;
 - (2) community contacts;
 - (3) field supervision;
 - (4) temporary release; and
 - (5) obtaining health care.
- (e) The manual for Temporary Holding, Court Holding, Type I, II, III, and IV facilities shall provide for, but not be limited to, the following:
- (1) multiple internal ways for ~~inmates~~ incarcerated people to privately report sexual abuse and sexual harassment, retaliation by other ~~inmates~~ incarcerated persons or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents,
 - (2) a method for uninvolved ~~inmates~~ incarcerated persons, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting shall be publicly posted at the facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1030. Suicide Prevention Program.

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The facility shall have a comprehensive written suicide prevention program developed by the facility administrator or designee, in conjunction with the health authority and mental health director, to identify, monitor, and provide treatment to those inmates incarcerated persons who present a suicide risk. The program shall consider national best practices and include the following:

- (a) Annual ~~S~~suicide prevention training for all ~~staff that have direct contact with inmates~~ custodial personnel.
- (b) Intake screening for suicide risk immediately upon intake and prior to housing assignment.
- (c) Screening during special situations, including placement in restrictive housing, following a hearing, and after a transfer or change in classification.
- ~~(e)~~(d) Provisions facilitating communication among arresting/transporting officers, facility staff, court staff, medical and mental health personnel in relation to suicide risk.
- ~~(d)~~(e) Housing recommendations for inmates ~~people~~ at risk of suicide that balance safety and environment. The least restrictive environment should be considered.
- ~~(e)~~(f) Supervision depending on level of suicide risk.
- ~~(f)~~(g) Suicide attempt and suicide intervention policies and procedures.
- ~~(g)~~(h) Provisions for reporting suicides and suicides attempts.
- (i) Multi-disciplinary administrative review of suicides and attempted suicides as defined by the facility administrator, including the development of a corrective action plan to address deficiencies identified in the administrative review.
- (j) Provisions for follow up care as needed.
- ~~(h)~~(k) Plan for mental health consultation following return from court as needed.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1032. Fire Suppression Preplanning.

Pursuant to Penal Code Section 6031.1(b), the facility administrator shall consult with the local fire department having jurisdiction over the facility, with the State Fire Marshal, or both, in developing a plan for fire suppression which shall include, but not be limited to:

- (a) a fire suppression pre-plan developed with the local fire department to be included as part of the policy and procedures manual (Title 15, California Code of Regulations Section 1029);
- (b) ~~regular~~ monthly fire prevention inspections by facility staff ~~on a monthly basis~~ with two-year retention of the inspection record;
- (c) fire prevention inspections as required by Health and Safety Code Section 13146.1(a) and (b) which requires inspections at least once every two years;
- (d) an evacuation plan; and,
- (e) a plan for the emergency housing of inmates incarcerated people in the case of fire.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030 and 6031.1, Penal Code.

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ARTICLE 4. RECORDS AND PUBLIC INFORMATION

§ 1040. Population Accounting.

Except in court holding and temporary holding facilities, each facility administrator shall maintain an ~~inmate~~ demographics accounting system which reflects the monthly average daily population of sentenced and non-sentenced ~~inmates~~ people by categories of ~~male, female~~ gender and juvenile status. Facility administrators shall provide the Board with applicable ~~inmate~~ demographic information as described in the Jail Profile Survey.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, Penal Code.

§ 1041. ~~Inmate~~ Records.

- (a) Each facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures for the maintenance of individual ~~inmate~~ records for each incarcerated person which shall include, but not be limited to, intake information, personal property receipts, commitment papers, court orders, reports of disciplinary actions taken, medical orders issued by the responsible physician and staff response, and non-medical information regarding disabilities and other limitations.
- (b) Each facility administrator shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control and from other facilities with which it contracts for the confinement of its ~~inmates~~ incarcerated people. The data collected shall include, at a minimum, the data necessary to satisfy the reporting requirements of 34 U.S.C. section 30303(a)(1).

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1044. Incident Reports.

Each facility administrator shall develop written policies and procedures for the maintenance of written records and reporting of all incidents which result in physical harm, or serious threat of physical harm, to an employee or ~~inmate~~ incarcerated person of a detention facility or other person. Such records shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. Such a written record shall be prepared by the staff assigned to investigate the incident and submitted to the facility manager or ~~his/her~~ designee.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1045. Public Information Plan.

Each facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures for the dissemination of information to the public, to other government agencies, and to the news media. The public and ~~inmates~~ incarcerated persons shall have available for review the following material:

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(a) The Board of State and Community Corrections Minimum Standards for Local Detention Facilities as found in Title 15 of the California Code of Regulations.

(b) Facility rules and procedures affecting ~~inmates~~incarcerated people as specified in sections:

- (1) 1045, Public Information Plan
- (2) 1061, ~~Inmate~~ Education Plan
- (3) 1062, Visiting
- (4) 1063, Correspondence
- (5) 1064, Library Service
- (6) 1065, Exercise and Recreation
- (7) 1066, Books, Newspapers, Periodicals and Writings
- (8) 1067, Access to Telephone
- (9) 1068, Access to Courts and Counsel
- (10) 1069, ~~Inmate~~ Orientation
- (11) 1070, Individual/Family Service Programs
- (12) 1071, Voting
- (13) 1072, Religious Observance
- (14) 1073, ~~Inmate~~ Grievance Procedure
- (15) 1080, Rules and Disciplinary ~~Penalties~~ Actions
- (16) 1081, Plan for ~~Inmate~~ Discipline of Incarcerated Persons
- (17) 1082, Forms of Discipline
- (18) 1083, Limitations on Discipline
- (19) 1200, Responsibility for Health Care Services

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1046. Death in Custody.

(a) Death in Custody Reviews for Adults and Minors.

The facility administrator, in cooperation with the health administrator, shall develop written policy and procedures to ensure that there is an initial review of every in-custody death within 30 days. The review team at a minimum shall include the facility administrator and/or the ~~facility manager~~designee, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study.

(b) Death of a Minor

In any case in which a minor dies while detained in a jail, lockup, or court holding facility:

- (1) The administrator of the facility shall provide to the Board a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted within 10 calendar days after the death.

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- (2) Upon receipt of a report of death of a minor from the administrator, the Board may within 30 calendar days inspect and evaluate the jail, lockup, or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1047. Serious Illness or Injury of a Minor in an Adult Detention Facility.

The facility administrator shall develop policy and procedures for notification of the court of jurisdiction and the parent, guardian, or person standing in loco parentis, in the event of a suicide attempt, serious illness, injury or death of a minor in custody.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 5. CLASSIFICATION AND ~~SEGREGATION~~SEPARATION

§ 1050. Classification Plan.

(a) Each administrator of a temporary holding, Type I, II, or III facility shall develop and implement a written classification plan designed to properly assign ~~inmates~~incarcerated persons to housing units and activities according to the categories of ~~sex~~gender identity, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, risk of being sexually abused or sexually harassed, and other criteria which will provide for the safety of the ~~inmates~~incarcerated people and staff. Such housing unit assignment shall be accomplished to the extent possible within the limits of the available number of distinct housing units or cells in a facility.

The written classification plan shall be based on objective criteria and include receiving screening performed at the time of intake by trained personnel, and a record of each ~~inmate~~person's classification level, housing restrictions, and housing assignments.

Each administrator of a Type II or III facility shall establish and implement a classification system which will include the use of classification officers or a classification committee in order to properly assign ~~inmates~~incarcerated persons to housing, work, rehabilitation programs, and leisure activities. Such a plan shall include the use of as much information as is available about ~~the inmate~~ and from the ~~inmate~~incarcerated person and shall provide for a channel of appeal by the ~~inmate~~incarcerated person to the facility administrator or designee. ~~An inmate~~Each person who has been sentenced to more than 60 days may request a review of ~~his~~their classification plan no more often than 30 days from ~~his~~their last review.

(b) Each administrator of a court holding facility shall establish and implement a written plan designed to provide for the safety of staff and ~~inmates~~people held and housed at the facility. The plan shall include receiving and transmitting of information regarding

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~~inmates~~ incarcerated persons who represent unusual risk or hazard while confined at the facility, and the ~~segregation~~ separation of such ~~inmates~~ persons to the extent possible within the limits of the court holding facility.

(c) In deciding ~~whether to assign an inmate to a housing area for male or female inmates, and in making other housing and programming assignments,~~ the agency shall consider on a case-by-case basis whether a placement would ensure the ~~inmate's~~ inmate's health and safety of the incarcerated person, and whether the placement would present management or security problems. ~~An inmate's~~ A person's own views with respect to his or ~~her~~ their own safety shall be given serious consideration.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1051. Communicable Diseases.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures specifying those symptoms that require ~~segregation~~ medical isolation of an ~~inmate~~ incarcerated person until a medical evaluation is completed. At the time of intake into the facility, an inquiry shall be made of the person being booked as to ~~whether or not~~ whether ~~he/she~~ the person has or has had any communicable diseases, such as tuberculosis or has observable symptoms of tuberculosis or any other communicable diseases, or other special medical problem identified by the health authority. The response shall be noted on the medical screening form ~~booking form and/or screening device~~.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1052. ~~Mentally Disordered Inmates~~ Behavioral Crisis Identification.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures to identify and evaluate all incarcerated people who may be in behavioral crisis. ~~mentally disordered inmates, and~~ Evaluation of behavioral crisis may include telehealth. If an evaluation from medical or mental health staff is not readily available, an ~~inmate~~ incarcerated person shall be considered in behavioral crisis ~~mentally disordered~~ for the purpose of this section if ~~he or she~~ they appears to be a danger to ~~himself/herself~~ themselves or others or if ~~he/she~~ appears gravely disabled. An evaluation from medical or mental health staff shall be secured within 24 hours of identification or at the next daily sick call, whichever is earliest. Separation ~~Segregation~~ may be used if necessary, to protect the safety of the person in crisis or inmate ~~or others~~.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1053. Administrative ~~Segregation~~ Separation.

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Except for Type IV facilities, facility administrators shall develop and implement policies and procedures for the administrative separation of incarcerated people.

Policies and procedures must include:

- (a) Administrative separation may consist of separate housing but shall not involve any other deprivation of privileges than is necessary to obtain the objective of protecting the welfare of incarcerated people and facility staff.
- (b) Administrative separation must not adversely affect an incarcerated person's health.
- (c) Administrative separation may be used for incarcerated people who have:
 - (1) A documented history of activity or behavior, or promoting such activity or behavior, that is criminal in nature, disruptive to facility operations, or affects the safety of the facility, other incarcerated people, and facility staff.
 - (2) Influenced or participated in activity that is criminal in nature, disruptive to facility operations or affects the safety of the facility, other incarcerated people, and facility staff.
 - (3) Committed assault, attempted assault, or participated in a conspiracy to assault or harm other incarcerated persons or facility staff.
 - (4) A history of escape or have recently attempted escape.
 - (5) A demonstrated need for protection from other incarcerated people.
- (d) Documentation indicating the necessity of administrative separation to obtain the objective of protecting the welfare of incarcerated people and facility staff.
- (e) A documented individualized ongoing review and evaluation of the need to continue placement in administrative separation.

~~Except in Type IV facilities, each facility administrator shall develop written policies and procedures which provide for the administrative segregation of inmates who are determined to be prone to: promote activity or behavior that is criminal in nature or disruptive to facility operations; demonstrate influence over other inmates, including influence to promote or direct action or behavior that is criminal in nature or disruptive to the safety and security of other inmates or facility staff, as well as to the safe operation of the facility; escape; assault, attempted assault, or participation in a conspiracy to assault or harm other inmates or facility staff; or likely to need protection from other inmates, if such administrative segregation is determined to be necessary in order to obtain the objective of protecting the welfare of inmates and staff. Administrative segregation shall consist of separate and secure housing but shall not involve any other deprivation of privileges than is necessary to obtain the objective of protecting the inmates and staff.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1054. Administrative Removal-Type IV Facility.

In Type IV facilities, the facility administrator shall develop written policies and procedures which provide for the administrative removal of an ~~inmate~~incarcerated person for the safety and well-being of the ~~inmate~~person, the staff, the program, the facility, and/or the general public. Such removal shall be subject to review by the facility administrator or designee on the next business day.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

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§ 1055. Use of Safety Cell.

The safety cell described in Title 24, Part 2, Section 1231.2.5, shall be used to hold only those ~~inmates~~ people who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others. The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures governing safety cell use and may delegate authority to place an ~~inmate~~ incarceration person in a safety cell to a physician. Policies and procedures shall include, but not be limited to:

- (a) In no case shall the safety cell be used for punishment or as a substitute for treatment.
- (b) An inmate ~~person~~ shall be placed in a safety cell only with the approval of the facility manager or designee, or responsible health care staff; continued retention shall be reviewed a minimum of every four hours.
- (c) A medical assessment shall be completed as soon as possible, but not more than within a maximum of 12 hours of from the time of placement in the safety cell or at the next daily sick call, whichever is earliest. The inmate ~~person~~ shall be medically cleared for continued retention, referral to advanced treatment, or removal from the safety cell a minimum of every 24 hours thereafter.
- (d) The facility manager, designee or responsible health care staff shall obtain a mental health opinion/consultation with responsible health care staff on placement and retention, which shall be secured as soon as possible, but not more than within 12 hours of from placement.
- (b)(e) Direct visual observation shall be conducted at least twice every thirty minutes, with no more than a 15-minute lapse between safety checks. Such observation shall be documented.
- (f) Procedures shall be established to assure administration of necessary nutrition and fluids.
- (c)(g) Inmates ~~People~~ placed in the safety cell shall be allowed to retain sufficient clothing, or be provided with a suitably designed "safety garment," to provide for their personal privacy unless specific identifiable risks to the ~~inmate~~ person's safety or to the security of the facility are documented.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1056. Use of Sobering Cell.

The sobering cell described in Title 24, Part 2, Section 1231.2.4, shall be used for ~~temporary~~ the holding of inmates ~~incarcerated people~~ who are a threat to their own safety or the safety of others due to their state of intoxication ~~and pursuant to written policies and procedures developed by the facility administrator.~~ Such ~~inmates~~ A person shall be removed from the sobering cell as soon as they are able to continue in the admission processing or are no longer a risk to themselves or others. In no case shall an ~~inmate~~ person remain in a sobering cell over six hours without an evaluation by ~~a medical staff person or an evaluation by custody staff to determine whether the person has an urgent medical problem,~~ pursuant to ~~written medical procedures in accordance with~~

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section 1213 of these regulations, ~~to determine whether the prisoner has an urgent medical problem.~~ At 12 hours from the time of placement, all ~~inmates~~persons will ~~must~~ receive an evaluation by responsible health care staff. Intermittent direct visual observation of ~~inmates~~people held in the sobering cell shall be conducted no less than every half hour. Such observation shall be documented.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1057. Developmentally Disabilities~~led Inmates.~~

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the identification and evaluation, appropriate classification and housing, protection, and nondiscrimination of all incarcerated persons with developmentally disabilities~~led inmates~~.

The health authority or designee shall contact the regional center ~~on~~for any ~~inmate~~incarcerated person suspected or confirmed to ~~be~~have a developmentally disabled disability for the purposes of diagnosis and/or treatment within 24 hours of such determination, excluding holidays and weekends.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1058. Use of Restraint Devices.

The facility administrator, in cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of restraint devices. Restraint devices include any devices which immobilize extremities or prevent the incarcerated person from being ambulatory. The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain incarcerated people for security reasons. ~~and~~ The facility manager may delegate authority to place an inmateincarcerated person in restraints to a responsible health care staff. ~~In addition to the areas specifically outlined in this regulation, at a minimum,~~

(a) ~~†~~The policy shall address the following areas:

- (1) acceptable restraint devices;
- (2) signs or symptoms which should result in immediate medical/mental health referral; availability of cardiopulmonary resuscitation equipment;
- (3) protective housing of restrained persons;
- (4) provision for hydration and sanitation needs; and,
- (5) exercising of extremities.

(a)(b) Policy shall also include, but not be limited to, the following requirements:

- (1) In no case shall restraints be used for punishment or as a substitute for treatment.
- (2) Restraint devices shall only be used on inmatesincarcerated people who display behavior which results in the destruction of property or reveal an intent

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to cause physical harm to self or others. ~~Restraint devices include any devices which immobilize an inmate's extremities and/or prevent the inmate from being ambulatory. Physical restraints~~

- ~~(2)~~(3) Restraint devices should be utilized used only when it appears less restrictive alternatives, would be ineffective in controlling the disordered behavior including verbal de-escalation techniques, have been attempted and are deemed ineffective.
- (4) ~~Inmates~~An incarcerated person shall be placed in restraints only with the approval of the facility manager, the facility watch commander, or responsible health care staff; continued retention shall be reviewed a minimum of every hour.
- (5) Direct visual observation shall be maintained until a medical opinion can be obtained.
- (6) A medical opinion on placement and retention shall be secured within one hour from the time of placement.
- (7) A medical assessment shall be completed within four hours of placement.
- (8) Direct visual observation shall be conducted at least twice every thirty minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the incarcerated person. Such observation shall be documented. While in restraint devices all incarcerated persons shall be housed alone or in a specified housing area which makes provisions to protect the person from abuse.
- (9) If the facility manager, or designee, in consultation with responsible health care staff determines that an inmate incarcerated person cannot be safely removed from restraints after eight hours, the inmate person shall be taken to a medical facility for further evaluation.
- (10) Where applicable, the facility manager shall use the restraint device manufacturer's recommended maximum time limits for placement.
- ~~(3)~~(11) All events and information related to the placement in restraints shall be documented and shall be video recorded unless exigent circumstances prevent staff from doing so. The documentation shall include: the reason for placement; person authorizing placement; names of staff involved in the placement; injuries sustained; and the duration of placement.

~~Direct visual observation shall be conducted at least twice every thirty minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the inmate. Such observation shall be documented. While in restraint devices all inmates shall be housed alone or in a specified housing area for restrained inmates which makes provisions to protect the inmate from abuse.~~

~~The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain inmates for security reasons.~~

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

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§ 1058.5. Restraints and Pregnant ~~Inmates~~ Persons.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the use of restraint devices on pregnant ~~inmates~~ people. In accordance with Penal Code 3407 the policy shall include reference to the following:

- (1) An incarcerated person ~~inmate~~ known to be pregnant or in recovery after delivery or termination of the pregnancy shall not be restrained by the use of leg ~~restraints~~ restraints, ~~waist chains~~, or handcuffs behind the body.
- (2) An incarcerated pregnant person ~~inmate~~ in labor, during delivery, or in recovery after delivery or termination of the pregnancy, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the ~~inmate~~ incarcerated person, the staff, or the public.
- (3) Restraints shall be removed when a professional who is currently responsible for the medical care of an incarcerated pregnant person ~~inmate~~ during a medical emergency, labor, delivery, or recovery after delivery or termination of the pregnancy determines that the removal of restraints is medically necessary.
- (4) Upon confirmation of an ~~inmate's~~ incarcerated person's pregnancy, ~~she~~ they shall be advised, orally or in writing, of the standards and policies governing incarcerated pregnant people ~~inmates~~.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 3407 and 6030, Penal Code.

§ 1059. DNA Collection, Use of Force.

(a) Pursuant to Penal Code Section 298.1, authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect blood specimens, saliva samples, or thumb or palm print impressions from individuals who are required to provide such samples, specimens or impressions pursuant to Penal Code Section 296 and who refuse following written or oral request.

- (1) For the purpose of this regulation, the “use of reasonable force” shall be defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance with this regulation.
- (2) The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample or impression and the consequences of refusal.

(b) The force shall not be used without the prior written authorization of the facility watch commander or designee on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.

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(c) If the use of reasonable force includes a cell extraction, the extraction shall be videotaped, including audio. Video shall be directed at the cell extraction event. The videotape shall be retained by the agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively.

Note: Authority cited: Sections 298.1, 6024, and 6030, Penal Code. Reference: Sections 298.1 and 6030, Penal Code.

ARTICLE 6. ~~INMATE PROGRAMS AND SERVICES~~

§ 1061. ~~Inmate Education Plan.~~

The facility administrator of any Type II or III facility shall plan and shall request of appropriate public officials an ~~inmate~~ education program for incarcerated persons. When such services are not made available by the appropriate public officials, then the facility administrator shall develop and implement an education program with available resources. Such a plan shall provide for the voluntary academic ~~and/or vocational, or both,~~ education of housed ~~inmates~~ people. Reasonable criteria for program eligibility shall be established. ~~A person may be provided m~~ Modified academic or vocational opportunities ~~and an inmate may be excluded or removed~~ may be provided based on sound security practices or a person's failure to abide by facility rules and regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1062. Visiting.

The facility administrator shall develop and implement written policies and procedures which include the following requirements:

- (a) ~~The facility administrator shall develop written policies and procedures for inmate~~ A visiting program which shall provide for:
- ~~(1)~~ (1) as many in-person visits and visitors as facility schedules, space, and number of personnel will allow.
 - ~~(2)~~ (2) A publicly posted schedule of facility visiting hours. If practicable, visiting hours should be made available on weekends, evenings, or holidays.
 - ~~(1)(3)~~ (3) For sentenced ~~inmates~~ incarcerated persons in Type I facilities and all ~~inmates~~ incarcerated persons in Type II, III, and IV facilities there shall be allowed no fewer than two visits totaling at least one hour per ~~inmate~~ incarcerated person each week. ~~In Type III and Type IV facilities there shall be allowed one or more visits, totaling at least one hour, per week.~~
 - ~~(2)(4)~~ (4) In Type I facilities, the facility administrator shall develop and implement written policies and procedures to allow visiting for non-sentenced detainees. The policies and procedures will include a schedule to assure that non-sentenced detainees will be afforded a visit no later than the calendar day following arrest.

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- (b) Visits may not be cancelled unless a legitimate operational or safety and security concern exists. All cancelled visits must be documented. The facility manager or designee shall regularly review cancelled visits and document such review.
- ~~(b)~~(c) The visiting policies developed pursuant to this section shall include provision for visitation by minor children of the ~~inmate~~ incarcerated person.
- ~~(e)~~(d) Video visitation may be used to supplement existing visitation programs, but shall not be used to fulfill the requirements of this section if in-person visitation is requested by an ~~inmate~~ incarcerated person.
- ~~(d)~~(e) Facilities shall not charge for visitation when visitors are onsite and participating in either in-person or video visitation. For purposes of this subsection, "onsite" is defined as the location where the ~~inmate~~ incarcerated person is housed.
- ~~(e)~~(f) Subdivision (d) shall not apply to facilities which (1) exclusively used video visitation prior to January 1, 2017 or (2) had been designed without in-person visitation space and conditionally awarded by the Board prior to June 27, 2017, funding authorized by Chapter 3.11 (commencing with Section 15820.90), Chapter 3.12 (commencing with Section 15820.91), Chapter 3.13 (commencing with Section 15820.92), or Chapter 3.131 (commencing with Section 15820.93).
- ~~(f)~~(g) If a local detention facility offered video visitation only as of January 1, 2017, the first hour of remote video visitation per week shall be offered free of charge.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030 and 4030, Penal Code, and Section 15820.948, Government Code.

§ 1063. Correspondence.

Except in Temporary Holding and Court Holding facilities, ~~the~~ the facility administrator shall develop written policies and procedures for ~~inmate~~ inmate correspondence which provide that:

- (a) there is no limitation on the volume of mail that an ~~inmate~~ incarcerated person may send or receive;
- (b) ~~inmate~~ an incarcerated person's correspondence may be read when there is a valid security reason and the facility manager or ~~his/her~~ designee approves;
- (c) jail staff shall not review ~~inmate~~ an incarcerated person's correspondence to or from state and federal courts, any member of the State Bar or holder of public office, and the State Board of State and Community Corrections; however, jail authorities may open and inspect such mail only to search for contraband, cash, checks, or money orders and in the presence of the ~~inmate~~ incarcerated person;
- (d) ~~inmates~~ incarcerated persons may correspond, confidentially, with the facility manager or the facility administrator; and,
- (e) those ~~inmates~~ incarcerated persons who are without funds shall be permitted at least ~~two~~ four postage paid envelopes and ~~two~~ eight sheets of paper each week to permit correspondence with family members and friends but without limitation on the number of postage paid envelopes and sheets of paper to ~~his or her~~ their attorney and to the courts.

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Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1064. Library Service.

The facility administrator shall develop written policies and procedures for library service in all Type II, III, and IV facilities. The scope of such service shall be determined by the facility administrator. The library service shall include access to ~~legal reference materials~~ the following resources via paper documents or throughout electronic media, and include current information on community services and resources, and religious, educational, legal reference material and recreational reading material. In Type IV facilities such a program can be either in-house or provided through access to the community.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1065. Exercise and RecreationOut of Cell Time.

(a) The facility administrator of a Type II or III facility shall develop written policies and procedures for:

- (1) ~~an exercise and recreation program, in an area designed for recreation~~exercise, which will allow a minimum of three hours of exercise distributed over a period of seven days. ~~Such regulations as are reasonable and necessary to protect the facility's security and the inmates' welfare shall be included in such a program. In Type IV facilities, such a program can be either in-house or provided through access to the community.~~
- (2) a recreation program, which will allow an opportunity for seven hours of out of cell time distributed over a period of seven days.

Policies should include reasonable and necessary procedures to ensure safety and security.

(b) The facility administrator of a Type I facility shall make table games, ~~and/or television,~~ or both, available to ~~inmates~~incarcerated people.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1066. Books, Newspapers, Periodicals, and Writings.

(a) The facility administrator of a Type II or III facility shall develop written policies and procedures which will permit ~~inmates~~incarcerated persons to purchase, receive and read any book, newspaper, periodical, or writing accepted for distribution by the United States Postal Service. The facility administrator shall develop and implement a written plan to make available a current newspaper or other like source, including a non-English language alternative, to ensure reasonable access to interested people. Nothing herein shall be construed as limiting the right of a facility administrator to:

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- (1) exclude any publications or writings based on any legitimate penological interest;
- (2) exclude obscene publications or writings, and mail containing information concerning where, how, or from whom such matter may be obtained; and any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence; any matter of a character tending to incite crimes against children; any matter concerning unlawful gambling or an unlawful lottery; the manufacture or use of weapons, narcotics, or explosives; or any other unlawful activity;
- (3) open and inspect any publications or packages received by an ~~inmate~~incarcerated person; and
- (4) restrict the number of books, newspapers, periodicals, or writings the ~~inmate~~incarcerated person may have in ~~his/her~~their cell or elsewhere in the facility at one time.

(b) The facility administrator of a Type I facility shall develop and implement a written plan to make available a ~~daily current newspaper or other like source~~in general circulation, including a non-English language ~~publication alternative~~, to ~~assure~~ensure reasonable access to interested ~~inmates~~people.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, Penal Code.

§ 1067. Access to Telephone.

The facility administrator shall develop written policies and procedures which allow ~~reasonable access to a telephone or communication device~~ beyond those telephone calls which are required by Section 851.5 of the Penal Code. Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to the appropriate telecommunication device which will facilitate communication. Such devices may include but are not limited to videophones, teletypewriters, or third-party communications assistance. An individual's access to telephone communications shall not be withdrawn unless doing so is required to uphold the safety and security of the facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1068. Access to the Courts and Counsel.

The facility administrator shall develop written policies and procedures to ensure ~~inmates~~incarcerated persons have access to the court and to legal counsel. Such access shall consist of:

- (a) Except in Temporary Holding and Court Holding facilities, unlimited mail as provided in Section 1063 of these regulations, and,
- (b) confidential consultation with attorneys.

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Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1069. Inmate Orientation.

(a) In Type II, III, and IV facilities, the facility administrator shall develop written policies and procedures for the implementation of a program ~~reasonably understandable for to inmates~~ people newly admitted to the facility designed to orient a ~~newly received inmate~~ them at the time of placement in a living area. Both written and verbal information shall be provided and may be supplemented with video orientation. Provision shall be made to provide accessible orientation information to each person, including those with disabilities, limited literacy, or those with limited English proficiency (LEP). Such a program shall be published and include, but not be limited to, the following:

- (1) correspondence, visiting, and telephone usage rules;
- (2) rules and disciplinary procedures;
- (3) ~~inmate~~ grievance procedures;
- (4) programs and activities available and method of application;
- (5) medical and mental health services;
- (6) classification/housing assignments;
- (7) court appearance where scheduled, if known;
- (8) voting, including registration; and,
- (9) zero tolerance policy against sexual abuse and sexual harassment; ~~and,-~~
- (10) availability of personal care items and opportunities for personal hygiene.

(b) In Type I facilities, the facility administrator shall develop written policies and procedures for a program reasonably understandable to non-sentenced detainees to orient ~~an inmate~~ them at the time of placement in a living area. Such a program shall be published and include, but not be limited to, the following:

- (1) rules and disciplinary procedures;
- (2) visiting rules;
- (3) availability of personal care items, opportunities for personal hygiene;
- (4) availability of reading and recreational materials; and,
- (5) medical/mental health procedures.

Note: Authority cited: Sections 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1070. Individual/Family Service Programs.

The facility administrator of a Type II, III, or IV facility shall develop written policies and procedures which facilitate cooperation with appropriate public or private agencies for individual ~~and/or~~ family social service programs for ~~inmates~~ incarcerated persons. Such a program shall utilize the services and resources available in the community and may be in the form of a resource guide ~~and/or~~ actual service delivery. The range and source of such services shall be at the discretion of the facility administrator and may include:

- (a) risk and needs assessments;
- (b) best practices in:

- (1) individual, group ~~and/or~~ family counseling;

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- (2) drug and alcohol abuse counseling;
- (3) cognitive behavioral interventions;
- (4) vocational testing and counseling;
- (5) employment counseling;
- (6) discharge and reentry planning;

- (c) referral to community resources and programs;
- (d) reentry planning and service development;
- (e) legal assistance;
- (f) regional center services for the developmentally disabled; and,
- (g) community volunteers.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1071. Voting.

The facility administrator of a Type I (holding sentenced ~~inmate-incarcerated~~ workers) II, III or IV facility shall develop written policies and procedures whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections, pursuant to election codes.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1072. Religious Observances.

The facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures to provide opportunities for ~~inmates-incarcerated~~ persons to participate in religious services, practices and counseling on a voluntary basis.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1073. ~~Inmate~~-Grievance Procedure.

(a) Each administrator of a Type II, III, or IV facility and Type I facilities which hold ~~inmate~~ incarcerated workers shall develop written policies and procedures whereby all incarcerated persons have the opportunity and ability to submit and any inmate may appeal and have resolved grievances relating to any conditions of confinement, included but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding. Such policies and procedures shall include:

- (1) a grievance form; ~~or~~
- ~~(1)~~(2) instructions for registering and appealing a grievance, including relevant deadlines;
- (3) a process for submission and handling of anonymous grievances;
- ~~(2)~~(4) resolution of the grievance at the lowest appropriate staff level;
- ~~(3)~~(5) appeal to the next level of review;

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- (4)(6) written reasons for denial of grievance at each level of review which acts on the grievance;
- (5)(7) provision for a non-automated initial response within a reasonable time limit which shall not exceed a period of 15 calendar days; and,
- (6)(8) provision for resolving questions of jurisdiction within the facility-;
- (9) Provision for providing a copy of the grievance, appeal, response, and related documents to the incarcerated person; and,
- (10) The facility manager or designee shall conduct regular review of grievances, responses, and appeals.

(b) Grievance System Abuse:

The facility may establish written policy and procedure to control the submission of an excessive number of grievances.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 7. DISCIPLINE

§ 1080. Rules and Disciplinary ~~Penalties~~Actions.

Wherever discipline is administered, each facility administrator shall establish written rules and disciplinary ~~actions~~penalties to guide ~~inmate~~the conduct of incarcerated persons. Such rules and disciplinary ~~actions~~penalties shall be stated simply and ~~affirmatively, and~~affirmatively and posted conspicuously in housing units and the booking area or issued to each ~~inmate~~person upon booking. For those ~~inmates who are illiterate or individuals with limited literacy, who are~~ unable to read English, and for persons with disabilities, provision shall be made for the jail staff to instruct them verbally or provide them with material in an understandable form regarding jail rules and disciplinary procedures and ~~actions~~penalties.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1081. Plan for ~~Inmate~~Discipline of Incarcerated Persons.

Each facility administrator shall develop written policies and procedures for ~~inmate~~discipline of incarcerated persons. The plan shall include, but not be limited to, the following elements:

- (a) Temporary Loss of Privileges: For minor acts of non-conformance or minor violations of facility rules, staff may impose a temporary loss of privileges, such as access to television, telephones, commissary, or lockdown for less than 24 hours, provided there is written documentation and supervisory approval.
- (b) ~~Punitive~~Disciplinary Actions: Major violations of facility rules or repetitive minor acts of non-conformance or repetitive minor violations of facility rules shall be reported in writing by the staff member observing the act and submitted to the disciplinary officer. The consequences of such violations may include, but are not limited to:

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1. Loss of good time/work time.
2. Placement in disciplinary separation.
- ~~3.2. Disciplinary separation diet.~~
- ~~4.3. Loss of privileges mandated by regulations.~~

A staff member with investigative and ~~punitive~~ disciplinary authority shall be designated as a disciplinary officer to impose such consequences. Staff shall not participate in disciplinary review if they are involved in the charges.

Such charges pending against an ~~inmate~~ incarcerated person shall be acted on with the following provisions and within specified timeframes:

1. A copy of the report, ~~and/or~~ a separate written notice of the violation(s), shall be provided to the ~~inmate~~ incarcerated person.
2. Unless declined by the ~~inmate~~ incarcerated person, a hearing shall be provided no sooner than 24 hours after the report has been submitted to the disciplinary officer and the ~~inmate~~ incarcerated person has been informed of the charges in writing. The hearing may be postponed or continued for a reasonable time through a written waiver by the ~~inmate~~ incarcerated person, or for good cause.
3. The ~~inmate~~ incarcerated person shall be permitted to appear on ~~his/her~~ their own behalf at the time of hearing and present witnesses and documentary evidence. The ~~inmate~~ incarcerated person shall have access to staff or ~~inmate~~ assistance when the ~~inmate~~ is illiterate ~~they~~ have limited literacy, or the issues are complex.
4. A charge(s) shall be acted on no later than 72 hours after an ~~inmate~~ incarcerated person has been informed of the charge(s) in writing.
5. Subsequent to final disposition of disciplinary charges by the disciplinary officer, the charges and the action taken shall be reviewed by the facility manager or designee.
6. The ~~inmate~~ incarcerated person shall be advised in a written statement by the fact-finders about the evidence relied on and the reasons for the disciplinary action. A copy of the record shall be kept pursuant to Penal Code Section 4019.5.
7. There shall be a policy of review and appeal to a supervisor on all disciplinary action.

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- (c) Nothing in this section precludes a facility administrator from administratively ~~segregating~~ separating any inmate/incarcerated person from the general population or program for reasons of personal, mental, or physical health, or under any circumstance in which the safety of the ~~inmates~~ person, staff, program, or community is endangered, pending disciplinary action or a review as required by Section 1053 of these regulations.
- (d) Nothing in this section precludes the imposition of conditions or restrictions that reasonably relate to a legitimate, non-punitive administrative purpose.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Sections 4019.5 and 6030, Penal Code.

§ 1082. Forms of Discipline.

The degree of ~~punitive~~ actions taken by the disciplinary officer shall be directly related to the severity of the rule infraction and promotion of desired behavior through a progressive disciplinary process. Acceptable forms of discipline shall consist of, but not be limited to, the following:

- (a) Loss of privileges.
- (b) Extra work detail.
- (c) Short term lockdown for less than 24 hours.
- (d) Removal from work details.
- (e) Forfeiture of “good time” credits earned under Penal Code Section 4019.
- (f) Forfeiture of “work time” credits earned under Penal Code Section 4019.
- (g) Disciplinary separation.
- ~~(h) Disciplinary separation diet.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1083. Limitations on Disciplinary Actions.

The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment, disciplinary actions shall not include corporal punishment, group punishment when feasible, and/or physical or psychological degradation.

Additionally, there shall be the following limitations:

- (a) Disciplinary separation shall be considered an option of last resort and as a response to the most serious and threatening behavior, for the shortest time possible, and with the least restrictive conditions possible.

- (1) If an ~~inmate~~ person is on disciplinary separation status for 30 consecutive days there shall be a review by the facility manager before the disciplinary separation status is continued. This review shall include a consultation with health care staff. Such reviews shall continue at least every fifteen days thereafter until the disciplinary status has ended. This review shall be documented.

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- (2) The disciplinary separation cells or cell shall have the minimum furnishings and space specified in Title 24, Part 2, 1231.2.6 and 2.7. Occupants shall be issued clothing and bedding as specified in Articles 13 and 14 of these regulations and shall not be deprived of them through any portion of the day except that those ~~inmates~~incarcerated persons who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive ~~inmates~~a person of such articles of clothing and bedding shall be reviewed by the facility manager or designee during each 24 hour period.
- ~~(2)~~(3) If after placement in separation, mental health or medical staff determine that an individual has serious mental illness or an intellectual disability, they shall be removed from disciplinary separation immediately upon this determination.
- ~~(a)~~(b) Penal Code Section 4019.5 expressly prohibits the delegation of authority to any ~~inmate~~incarcerated person or group of ~~inmates~~incarcerated people to exercise the right of punishment over any other ~~inmate~~incarcerated person or group of ~~inmates~~incarcerated people.
- ~~(b)~~(c) In no case shall a safety cell, as specified in Title 24, Part 2, 1231.2.5, or any restraint device be used for disciplinary purposes.
- ~~(c)~~(d) No ~~inmate~~incarcerated person may be deprived of the implements necessary to maintain an acceptable level of personal hygiene as specified in Section 1265 of these regulations.
- ~~(d)~~(e) Food shall not be withheld as a disciplinary measure.
- ~~(e) The disciplinary separation diet described in section 1247 of these regulations shall only be utilized for major violations of institutional rules.~~
- ~~(1) In addition to the provisions of Section 1247, the facility manager shall approve the initial placement on the disciplinary separation diet and ensure that medical staff is notified.~~
- ~~(2) In consultation with medical care staff, the facility manager shall approve any continuation on that diet every 72 hours after the initial placement.~~
- (f) Correspondence privileges shall not be withheld except in cases where the ~~inmate~~incarcerated person has violated correspondence regulations, in which case correspondence may be suspended for no longer than 72 hours, without the review and approval of the facility manager.
- (g) In no case shall access to courts and legal counsel be suspended as a disciplinary measure.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1084. Disciplinary Records.

Penal Code Section 4019.5 requires that a record is kept of all disciplinary ~~infractions and punishment~~actions administered therefore. This requirement may be satisfied by retaining copies of rule violation reports and report of the disposition of each.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

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ARTICLE 8. MINORS IN JAILS

§ 1100. Purpose.

The purpose of this article is to establish minimum standards for local adult detention facilities, Types II and III, in which minors are lawfully detained.

Unless otherwise specified in statute or these regulations, minors lawfully held in local adult detention facilities shall be subject to the regulations and statutes governing those facilities found in Minimum Standards for Local Detention Facilities, Title 15, Division 1, Chapter 1, Subchapter 4, Section 1000 et seq. and Title 24, Part 1, Section 13-102, and Part 2, Section 1231, California Code of Regulations.

An existing jail built in accordance with construction standards in effect at the time of construction and approved for the detention of minors by the Board shall be considered as being in compliance with the provisions of this article unless the condition of the structure is determined by the Board to be dangerous to life, health or welfare of minors.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1101. Restrictions on Contact with Incarcerated Adults Prisoners.

The facility administrator shall establish policies and procedures to restrict sight and sound contact, as defined in Section 1006, between detained minors and adults confined in the facility. The policies and procedures should consider trauma-informed approaches in protecting minors from contact.

In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of ~~inmates~~ incarcerated people) shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact.

The above restrictions do not apply to minors who are participating in supervised program activities pursuant to Section 208 (c) of the Welfare and Institutions Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1102. Classification.

The facility administrator shall develop and implement a written plan designed to provide for the safety of staff and minors held at the facility. The plan shall include the following:

- (a) a procedure for receiving and transmitting information regarding minors who present a risk or hazard to self or others while confined at the facility, and the ~~segregation~~ separation of such minors to the extent possible within the limits of the facility.

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- (b) a procedure to provide care for any minor who appears to be in need of or who requests medical, mental health, or developmental disability treatment. Written procedures shall be established by the responsible health administrator in cooperation with the facility administrator.
- (c) a suicide prevention program designed to identify, monitor, and provide treatment to those minors who present a suicide risk.
- (d) provide that minors be housed separately from adults and not be allowed to come or remain in contact with adults except as provided in Sections 208(c) of the Welfare and Institutions Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1103. Release Procedures.

Facility staff shall notify the parents or guardians prior to the release of a minor. The minor's personal clothing and valuables shall be returned to the minor, parents or guardian, upon the minor's release or consent.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1104. Supervision of Minors.

The facility administrator shall develop and implement policy and procedures that provide for:

- (a) continuous around-the-clock supervision of minors with assurance that staff can hear and respond; and,
- (b) safety checks of minors at least once every 30 minutes. These safety checks shall include the direct visual observation of movement and/or skin. Safety checks shall not be replaced, but may be supplemented by, an audio/visual electronic surveillance system designed to detect overt, aggressive, or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1105. Recreation Programs.

The facility administrator shall develop written policies and procedures to provide a recreation program that shall protect the welfare of minors and ~~other incarcerated adults inmates~~, recognize facility security needs and comply with minimum jail standards for recreation (California Code of Regulations, Title 15, Section 1065).

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

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§ 1106. Disciplinary Procedures.

Nothing in this regulation shall prevent the administrator from removing a detained minor from the general population or program for reasons of the minor's mental or physical health; or under any circumstances in which the safety of the minor, ~~other incarcerated adults inmates~~, staff, the program or community is endangered, pending a disciplinary action or review. With the exceptions noted below, the provisions of Sections 1080-1084 shall apply when a minor is involved in disciplinary actions.

- (a) ~~Minors requiring disciplinary confinement shall be housed only in living areas designated for the detention of minors~~ Pursuant to Welfare and Institutions Code Section 208.3, minors may not be placed in room confinement for disciplinary purposes.
- (b) Permitted forms of discipline include:
 - (1) temporary loss of privileges; and,
 - (2) loss of privileges mandated by applicable regulations disciplinary confinement.
- (c) Access to visitation and recreation shall be restricted only after a second level review by a supervisor or manager; and shall not extend beyond five days without subsequent review.
- (d) ~~A status review shall be conducted for those minors placed in disciplinary confinement no less than every 24 hours.~~
- (e)(d) Prohibited forms of discipline include:
 - (1) discipline that does not fit the violation;
 - (2) corporal punishment;
 - (3) ~~inmate imposed discipline~~ imposed by incarcerated persons;
 - (4) placement in safety cells, sobering cells, or any other cell not specifically designated for the detention of minors;
 - (5) deprivation of food; and,
 - (6) room confinement; ~~and,~~
 - (6)(7) ~~the adult disciplinary diet.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1120. Education Program for Minors in Jails.

Whenever a minor is held in a Type II or III facility, the facility administrator shall coordinate with the County Department of Education or County Superintendent of Schools to provide education programs as required by Section 48200 of the Education Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1121. Health Education for Minors in Jails.

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The health administrator for each jail, in cooperation with the facility administrator and the local health officer, shall develop written policies and procedures to assure that age- and sex-appropriate health education and disease prevention programs are offered to minors.

The education program shall be updated as necessary to address current health priorities and meet the needs of the confined population.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1122. Reproductive Information and Services for Minors in Jails.

The health administrator, in cooperation with the facility administrator, shall develop written policies and procedures to assure that reproductive health services are available to ~~both male and female~~ minors in jails.

Such services shall include, but not be limited to, those prescribed by Welfare and Institutions Code Sections 220, 221 and 222 and Health and Safety Code Section 123450.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1122.5. Pregnant Minors

- (a) The health administrator, in cooperation with the facility administrator, shall develop written policies and procedures pertaining to pregnant minors that address the requirements in Title 15, Section 1417.
- (b) The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the use of restraint devices on pregnant minors. The policy shall address requirements of Penal Code 3407. Policy shall include reference to the following:
 - 1) A minor known to be pregnant or in recovery after delivery or termination of the pregnancy shall not be restrained by the use of leg or waist restraints~~irons, waist chains~~, or handcuffs behind the body.
 - 2) A pregnant minor in labor, during delivery, or in recovery after delivery or termination of the pregnancy, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the minor, the staff, or the public.
 - 3) Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant minor during a medical emergency, labor, delivery, or recovery after delivery or termination of the pregnancy determines that the removal of restraints is medically necessary.
 - 4) Upon confirmation of a minor's pregnancy, ~~she~~ they shall be advised, orally or in writing, of the standards and policies governing pregnant minors.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 3407 and 6030, Penal Code.

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§ 1123. Health Appraisals/Medical Examinations for Minors in Jails.

When a minor is held in a jail, the health administrator, in cooperation with the facility administrator, shall develop policy and procedures to assure that a health appraisal/medical examination:

- (a) is received from the sending facility at or prior to the time of transfer; and
- (b) is reviewed by designated health care staff at the receiving facility; or,
- (c) absent a previous appraisal/examination or receipt of the record, a health appraisal/medical examination, as outlined in Minimum Standards for Juvenile Facilities, Section 1432, Health Appraisals/Medical Examinations is completed on the minor within 96 hours of admission.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1124. Prostheses and Orthopedic Devices for Minors in Jails.

The health administrator, in cooperation with the facility administrator and the responsible physician shall develop written policy and procedures regarding the provision, retention and removal of medical and dental prostheses, including eyeglasses and hearing aids for minors in jail.

- (a) Prostheses shall be provided when the health of the minor in the jail would otherwise be adversely affected, as determined by the responsible physician.
- (b) Procedures for retention and removal of prostheses shall comply with the requirements of Penal Code Section 2656.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1125. Psychotropic Medications for Minors in Jail.

The health administrator/responsible physician, in cooperation with the mental health director and the facility administrator, shall develop written policies and procedures governing the use of voluntary and involuntary psychotropic medications for minors.

- (a) These policies and procedures shall include, but not be limited to:
 - (1) protocols for physicians' written and verbal orders for psychotropic medications in dosages appropriate to the minor's need;
 - (2) limitation to the length of time required for a physician's signature on verbal orders;
 - (3) the length of time voluntary and involuntary medications may be ordered and administered before re-evaluation by a physician;
 - (4) provision that minors who are on psychotropic medications prescribed in the community are continued on their medications pending re-evaluation and further determination by a physician;
 - (5) provision that the necessity for continuation on psychotropic medications is addressed in pre-release planning and prior to transfer to another facility or program; and,

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- (6) provision for regular clinical/administrative review of utilization patterns for all psychotropic medications, including every emergency situation.
- (b) Psychotropic medications shall not be administered to a minor absent an emergency unless informed consent has been given by the parent/guardian or the court.
 - (1) Minors shall be informed of the expected benefits, potential side effects and alternatives to psychotropic medications.
 - (2) Absent an emergency, minors may refuse treatment.
- (c) Minors found by a physician to be a danger to themselves or others by reason of a mental disorder may be involuntarily given psychotropic medication immediately necessary for the preservation of life or the prevention of serious bodily harm, and when there is insufficient time to obtain consent from the parent, guardian, or court before the threatened harm would occur. It is not necessary for harm to take place prior to initiating treatment.
- (d) Administration of psychotropic medication is not allowed for disciplinary reasons.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

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

§ 1140. Purpose.

The purpose of this article is to establish minimum standards for law enforcement facilities in which minors are held in secure or non-secure custody.

Unless otherwise specified in statute or these regulations, minors lawfully held in local adult detention facilities shall be subject to the regulations and statutes governing those facilities found in Title 15, Division 1, Chapter 1, Subchapter 4, Section 1000 et seq. and Title 24, Part 1, Section 13-102, and Part 2, Section 1231, California Code of Regulations.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1141. Minors Arrested for Law Violations.

Any minor taken into temporary custody by a peace officer, on the basis that they are a person described by Section 602 of the Welfare and Institutions Code, may be held in secure or non-secure custody within a law enforcement facility that contains a lockup for adults provided that the standards set forth in these regulations are met.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1142. Written Policies and Procedures.

The facility administrator shall develop written policies and procedures concerning minors being held in temporary custody which shall address:

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- (a) suicide risk and prevention;
- (b) use of restraints;
- (c) emergency medical assistance and services; and,
- (d) prohibiting use of discipline.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1143. Care of Minors in Temporary Custody.

(a) The following shall be made available to all minors held in temporary custody:

- (1) access to toilets and washing facilities;
- (2) one snack ~~upon request~~ during term of temporary custody if the minor has not eaten within the past four (4) hours or is otherwise in need of appropriate nourishment;
- (3) access to drinking water;
- (4) access to language services;
- (5) access to disabilities services;
- ~~(3)~~(6) sanitary napkins, panty liners, and tampons as requested;
- ~~(4)~~(7) privacy during consultation with family, guardian, and/or lawyer;
- ~~(5)~~(8) blankets and clothing, as necessary, to assure the comfort of the minor;
and,
- ~~(6)~~(9) his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.

(b) Upon entry, the minor shall be informed in writing of what is available under this section, and it shall be posted in at least one conspicuous place to which minors have access.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1144. Contact Between Minors and Incarcerated Adults Prisoners.

The facility administrator shall establish policies and procedures to restrict contact, as defined in Section 1006, between minors and adults confined in the facility. In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of inmates incarcerated people) shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1145. Decision on Secure Custody.

A minor who is taken into temporary custody by a peace officer on the basis that ~~he or she is~~ they are a person described by Section 602 of the Welfare and Institutions Code

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may be held in secure custody in a law enforcement facility that contains a lockup for adults if the minor is 14 years of age or older and if, in the reasonable belief of the peace officer, the minor presents a serious security risk of harm to self or others, as long as all other conditions of secure custody set forth in these standards are met. Any minor in temporary custody who is less than 14 years of age, or who does not in the reasonable belief of the peace officer present a serious security risk of harm to self or others, shall not be placed in secure custody, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody set forth in these standards are met.

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:

- (a) age, maturity, and delinquent history of the minor;
- (b) severity of the offense(s) for which the minor was taken into custody;
- (c) minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;
- (d) the availability of staff to provide adequate supervision or protection of the minor; and,
- (e) the age, type, and number of other individuals who are detained in the facility.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.
Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1146. Conditions of Secure Custody.

While in secure custody, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.
Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

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

(a) Minors shall receive adequate supervision which, at a minimum, includes:

- (1) constant auditory access to staff by the minor; and,
- (2) safety checks, as defined in Section 1006, of the minor by staff of the law enforcement facility, at least once every 30 minutes, which shall be documented.

(b) ~~Males and females~~ Minors of different genders shall not be placed in the same locked room unless under constant direct visual observation by staff of the law enforcement facility.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.
Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

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

Minors held in secure custody outside of a locked enclosure shall not be secured to a stationary object for more than 60 minutes unless no other locked enclosure is available. A staff person from the facility shall provide constant direct visual observation to assure the minor's safety while secured to a stationary object. Securing minors to a stationary object for longer than 60 minutes, and every 30 minutes thereafter, shall be approved by a supervisor. The decision for securing a minor to a stationary object for longer than 60 minutes, and every 30 minutes thereafter shall be based upon the best interests of the minor and shall be documented.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1149. Criteria for Non-Secure Custody.

Minors held in temporary custody, who do not meet the criteria for secure custody as specified in Section 207.1(~~db~~) of the Welfare and Institutions Code, may be held in non-secure custody to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for transfer of the minor to an appropriate juvenile facility. While minors are held in temporary non-secure custody the provisions of Section 1143 apply.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1150. Supervision of Minors in Non-Secure Custody.

Minors held in non-secure custody shall receive constant direct visual observation by staff of the law enforcement facility. Entry and release times shall be documented and made available for review. Monitoring a minor using audio, video, or other electronic devices shall never replace constant direct visual observation.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1151. Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody.

Facility administrators shall develop policies and procedures providing that a medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves, prior to secure or non-secure custody of that minor.

Supervision of minors in secure custody in a locked room ~~who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance~~ shall include safety checks at least once every 15 minutes until resolution of the intoxicated state or release. These safety checks shall be documented, with actual time of occurrence recorded.

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Supervision of minors in secure custody outside of a locked room ~~who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance~~ shall be supervised in accordance with Section 1148.

Supervision of minors in nonsecure custody ~~who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance~~ shall be supervised in accordance with Section 1150.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.
Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

ARTICLE 10. MINORS IN COURT HOLDING FACILITIES

§ 1160. Purpose.

The purpose of this article is to establish minimum standards for court holding facilities in which minors are held pending appearance in juvenile or criminal court.

Unless otherwise specified in statute or these regulations, minors held in court holding facilities shall be subject to the regulations and statutes governing those facilities found in Title 15, Division 1, Chapter 1, Subchapter 4, Section 1000 et seq. and Title 24, Part I, Section 13-102, and Part 2, Section 1231, California Code of Regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1161. Conditions of Detention.

Court holding facilities shall be designed to provide the following:

- (a) Separation of minors from adults in accordance with Section 208 of the Welfare and Institutions Code.
- (b) ~~Segregation~~Separation of minors in accordance with an established classification plan.
- (c) Secure non-public access, movement within and egress. If the same entrance/exit is used by both minors and adults, movements shall be scheduled in such a manner that there is no opportunity for contact.

An existing court holding facility built in accordance with construction standards at the time of construction shall be considered as being in compliance with this article unless the condition of the structure is determined by the appropriate authority to be dangerous to life, health, or welfare of minors. Upon notification of noncompliance with this section, the facility administrator shall develop and submit a plan for corrective action to the Board within 90 days.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1162. Supervision of Minors.

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A sufficient number of personnel shall be employed in each facility to permit unscheduled safety checks of all minors at least twice every 30 minutes, and to ensure the implementation and operation of the activities required by these regulations. There shall be a written plan that includes the documentation and review of safety checks.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1163. Classification.

The administrator of a court holding facility shall establish and implement a written plan designed to provide for the safety of staff and minors held at the facility. The plan shall include receiving and transmitting of information regarding minors who represent a risk or hazard to self or others while confined at the facility, and the ~~segregation~~ separation of such minors to the extent possible within the limits of the court holding facility, and for the separation of minors from any adults confined there ~~inmate(s)~~ as required by Section 208 of the Welfare and Institutions Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 11. MEDICAL/MENTAL HEALTH SERVICES

§ 1200. Responsibility for Health Care Services.

(a) In Type I, II, III and IV facilities, the facility administrator shall have the responsibility to ensure provision of emergency and basic health care services to all ~~inmates~~ incarcerated persons. Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible ~~physician~~ qualified health care professionals, dentist, and psychiatrist or psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel.

Each facility shall have at least one physician available ~~to treat physical disorders~~. In Type IV facilities, compliance may be attained by providing access into the community; however, in such cases, there shall be a written plan for the treatment, transfer, or referral in the event of an emergency.

(b) In court holding and temporary holding facilities, the facility administrator shall have the responsibility to develop written policies and procedures which ensure provision of emergency health care services to all ~~inmates~~ incarcerated persons.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1202. Health Service Audits.

The health authority shall develop and implement a written plan for annual statistical summaries of health care and pharmaceutical services that are provided. The responsible physician shall also establish a mechanism to assure that the quality and adequacy of

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these services are assessed annually. The plan shall include a means for the correction of identified deficiencies of the health care and pharmaceutical services delivered.

Based on information from these audits, the health authority shall provide the facility administrator with an annual written report on health care and pharmaceutical services delivered.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1203. Health Care Staff Qualifications.

State and/or local licensure and/or certification requirements and restrictions, including those defining the recognized scope of practice specific to the profession, apply to health care personnel working in the facility the same as to those working in the community. Copies of licensing and/or certification credentials shall be on file in the facility or at a central location where they are available for review.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1204. Health Care Staff Procedure.

Health care performed by personnel other than a physician shall be performed pursuant to written protocol or order of the responsible health care staff.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1205. Health Care Records.

(a) The health authority shall maintain individual, complete and dated health records in compliance with state statute to include, but not be limited to:

- (1) receiving screening form/history;
- (2) health evaluation reports;
- (3) complaints of illness or injury;
- (4) names of personnel who treat, prescribe, and/or administer/deliver prescription medication;
- (5) location where treated; and,
- (6) medication records in conformance with section 1216.

(b) The physician/patient confidentiality privilege applies to the health care record. Access to the health record shall be controlled by the health authority or designee.

The health authority shall ensure the confidentiality of each ~~inmate~~incarcerated person's health care record file (paper or electronic) and such files shall be maintained separately from and in no way be part of the ~~inmate~~person's other jail records. Within the provisions of HIPAA 45 C.F.R., Section 164.512(k)(5)(i), the responsible physician or designee shall communicate information obtained in the course of health screening and care to jail authorities when necessary for the protection of the welfare of the ~~inmate~~incarcerated person or others, management of the jail, or maintenance of jail security and order.

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(c) Written authorization by the ~~inmate~~incarcerated person is necessary for transfer of health care record information unless otherwise provided by law or administrative regulations having the force and effect of law.

(d) ~~Inmates~~incarcerated persons shall not be used for health care recordkeeping.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1206. Health Care Procedures Manual.

The health authority shall, in cooperation with the facility administrator, set forth in writing, policies and procedures in conformance with applicable state and federal law, which are reviewed and updated at least every two years and include but are not limited to:

(a) summoning and application of proper medical aid;

(b) contact and consultation with other treating health care professionals;

(c) emergency and non-emergency medical and dental services, including transportation;

(d) provision for medically required dental and medical prostheses and eyeglasses;

(e) notification of next of kin or legal guardian in case of serious illness which may result in death;

(f) provision for screening and care of pregnant and lactating ~~women~~people, including prenatal and postpartum information and health care, including but not limited to access to necessary vitamins as recommended by a doctor, information pertaining to childbirth education and infant care;

(g) screening, referral, and care of incarcerated persons who may be mentally disordered and/or have developmental disabilities~~ly disabled inmates~~;

(h) implementation of special medical programs;

(i) management of ~~inmates~~incarcerated persons suspected of or confirmed to have communicable diseases;

(j) the procurement, storage, repackaging, labeling, dispensing, administration/delivery to ~~inmates~~incarcerated persons, and disposal of pharmaceuticals;

(k) use of non-physician personnel in providing medical care;

(l) provision of medical diets;

(m) patient confidentiality and its exceptions;

(n) the transfer of pertinent individualized health care information, or individual documentation that no health care information is available, to the health authority of another correctional system, medical facility, or mental health facility at the time each ~~inmate~~incarcerated person is transferred and prior notification pursuant to Health and Safety Code Sections 121361 and 121362 for ~~inmates~~incarcerated persons with known or suspected active tuberculosis disease. Procedures for notification to the transferring health care staff shall allow sufficient time to prepare the summary. The summary information shall identify the sending facility and be in a consistent format that includes the need for follow-up care, diagnostic tests performed, medications prescribed, pending appointments, significant health problems, and other information that is necessary to provide for continuity of health care. Necessary ~~inmate~~ medication and health care information shall be provided to the transporting staff, together with precautions necessary to protect staff and ~~inmate~~incarcerated passengers from disease transmission during transport;

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- (o) forensic medical services, including drawing of blood alcohol samples, body cavity searches, and other functions for the purpose of prosecution shall not be performed by medical personnel responsible for providing ongoing care to ~~the inmates~~incarcerated people;
- (p) provisions for application and removal of restraints on pregnant ~~inmates~~people consistent with Penal Code Section 3407;
- (q) other Services mandated by statute; and,
- (r) provisions for timely and appropriate medical and mental health screenings, access to medical and mental health services within seven days of request, and no-cost access to contraception and STD treatment, for ~~inmates~~incarcerated persons who have reported sexual abuse or sexual harassment, regardless of the location where the incident(s) occurred.

Note: Authority cited: Sections 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1206.5. Management of Communicable Diseases in a Custody Setting.

- (a) The responsible physician, in conjunction with the facility administrator and the county health officer, shall develop a written plan to address the identification, treatment, control and follow-up management of tuberculosis and other communicable diseases. The plan shall cover the intake screening procedures, identification of relevant symptoms, referral for a medical evaluation, treatment responsibilities during incarceration and coordination with public health officials for follow-up treatment in the community. The plan shall reflect the current local incidence of communicable diseases which threaten the health of ~~inmates~~incarcerated people and staff.
- (b) Consistent with the above plan, the health authority shall, in cooperation with the facility administrator and the county health officer, set forth in writing, policies and procedures in conformance with applicable state and federal law, which include, but are not limited to:
 - (1) the types of communicable diseases to be reported;
 - (2) the persons who shall receive the medical reports;
 - (3) sharing of medical information with ~~inmates~~incarcerated persons and custody staff;
 - (4) medical procedures required to identify the presence of disease(s) and lessen the risk of exposure to others;
 - (5) medical confidentiality requirements;
 - (6) housing considerations based upon behavior, medical needs, and safety of the affected ~~inmates~~incarcerated persons;
 - (7) provisions for ~~inmate~~ consent by an incarcerated person that address the limits of confidentiality; and,
 - (8) reporting and appropriate action upon the possible exposure of custody staff to a communicable disease.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, 7501, and 7552, Penal Code.

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§ 1207. Medical Receiving Screening.

~~With the exception of inmates transferred directly within a custody system with documented receiving screening, a~~ screening shall be completed on all inmates incarcerated persons at the time of intake. This screening shall be completed in accordance with written procedures and shall include but not be limited to medical and mental health problems, developmental disabilities, ~~tuberculosis and other~~ communicable diseases. The screening shall be performed by licensed health personnel or trained facility staff, with documentation of staff training regarding site specific forms with appropriate disposition based on responses to questions and observations made at the time of screening. The training depends on the role staff are expected to play in the receiving screening process.

The facility administrator and responsible physician shall develop a written plan for complying with Penal Code Section 2656 (orthopedic or prosthetic appliance ~~used by inmates~~ for persons sentenced to incarceration).

There shall be a written plan to provide care for any inmate incarcerated person who appears at this screening to be in need of or who requests medical, mental health, or developmental disability treatment.

Written procedures and screening protocol shall be established by the responsible physician in cooperation with the facility administrator.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 2656 and 6030, Penal Code.

§ 1207.5. Special Mental Disorder Assessment.

An additional mental health screening will be performed, according to written procedures, on ~~women~~ inmates incarcerated persons who have given birth within the past year and are charged with murder or attempted murder of their infants. Such screening will be performed at intake and if the assessment indicates postpartum psychosis a referral for further evaluation will be made.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1208. Access to Treatment.

The health authority, in cooperation with the facility administrator, shall develop a written plan for identifying and ~~or~~ referring any inmate incarcerated person who appears to be in need of medical, mental health, dental, or developmental disability treatment at any time during ~~his/her~~ their incarceration subsequent to the receiving screening. The written plan shall also include the assessment and treatment of such inmates persons as described in Section 1207, Medical Receiving Screening. Assessment and treatment shall be performed by either licensed health personnel or by persons operating under the authority and ~~or~~ direction of licensed health personnel.

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Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1208.5. Health Care Maintenance.

For ~~inmates~~ people undergoing prolonged incarceration, an age appropriate and risk factor–based health maintenance visit shall take place within the ~~inmate's~~ person's second ~~year anniversary~~ of incarceration. The specific components of the health maintenance examinations shall be determined by the responsible physician based on the age, gender, and health ~~of the inmate~~. Thereafter, the health maintenance examinations shall be repeated at reasonable intervals, but not to exceed one year, as determined by the responsible physician.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1209. Mental Health Services and Transfer to Treatment Facility.

(a) The health authority, in cooperation with the mental health director and facility administrator, shall establish policies and procedures to provide mental health services. These services shall include but not be limited to:

- (1) Identification and referral of ~~inmates~~ incarcerated persons with mental health needs;
- (2) Mental health treatment programs provided by qualified staff, including the use of telehealth;
- (3) Crisis intervention services;
- (4) Basic mental health services provided to ~~inmates~~ incarcerated persons as clinically indicated;
- (5) Medication support services;
- (6) The provision of health services sufficiently coordinated such that care is appropriately integrated, medical and mental health needs are met, and the impact of any of these conditions on each other is adequately addressed.

(b) Unless the county has elected to implement the provisions of Penal Code Section 1369.1, a mentally disordered ~~inmate~~ incarcerated person who appears to be a danger to ~~himself~~ themselves or others, or to be gravely disabled, shall be transferred for further evaluation to a designated Lanterman Petris Short treatment facility designated by the county and approved by the State Department of Mental Health for diagnosis and treatment of such apparent mental disorder pursuant to Penal Code section 4011.6 or 4011.8 unless the jail contains a designated Lanterman Petris Short treatment facility. Prior to the transfer, the ~~inmate~~ person may be evaluated by licensed health personnel to determine if treatment can be initiated at the correctional facility. Licensed health personnel may perform an onsite assessment to determine if the ~~inmate~~ person meets the criteria for admission to an inpatient facility, or if treatment can be initiated in the correctional facility.

(c) If the county elects to implement the provisions of Penal Code Section 1369.1, the health authority, in cooperation with the facility administrator, shall establish policies and procedures for involuntary administration of medications. The procedures shall include, but not be limited to:

- (1) Designation of licensed personnel, including psychiatrist and nursing staff, authorized to order and administer involuntary medication;

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- (2) Designation of an appropriate setting where the involuntary administration of medication will occur;
- (3) Designation of restraint procedures and/or devices that may be used to maintain the safety of the inmate incarcerated person and facility staff;
- (4) Development of a written plan to monitor the inmate incarcerated person's medical condition following the initial involuntary administration of a medication, until the inmate person is cleared as a result of an evaluation by, or consultation with, a psychiatrist;
- (5) Development of a written plan to provide a minimum level of ongoing monitoring of the inmate incarcerated person following return to facility housing. This monitoring may be performed by custody staff trained to recognize signs of possible medical problems and alert medical staff when indicated; and
- (6) Documentation of the administration of involuntary medication in the inmate incarcerated person's medical record.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1210. Individualized Treatment Plans.

(a) For each inmate person treated by a mental health service in a jail, the responsible mental health care provider shall develop a written treatment plan. The custody staff shall be informed of the treatment plan when necessary, to ensure coordination and cooperation in the ongoing care of the inmate incarcerated person. This treatment plan shall include referral to treatment after release from the facility when recommended by treatment staff.

(b) For each inmate person treated for health conditions for which additional treatment, special accommodations and/or a schedule of follow-up care is/are needed during the period of incarceration, responsible health care staff shall develop a written treatment plan. The custody staff shall be informed of the treatment plan when necessary, to ensure coordination and cooperation in the ongoing care of the inmate incarcerated person. This treatment plan shall include referral to treatment after release from the facility when recommended by treatment staff.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1211. Sick Call.

~~There shall be written policies and procedures developed by t~~The facility administrator, in cooperation with the health authority, shall develop written policies and procedures, which provides for a daily sick call conducted for all inmates incarcerated persons or provision made that any inmate incarcerated person requesting medical/mental health attention be given such attention.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1212. Vermin Control.

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The responsible physician shall develop a written plan for the control and treatment of incarcerated persons who are found to be vermin-infested inmates. There shall be written, medical protocols, signed by the responsible physician, for the treatment of persons suspected of being infested or having contact with a vermin-infested inmate incarcerated person.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1213. Detoxification Treatment.

The responsible physician shall develop written medical policies on detoxification which shall include a statement as to whether detoxification will be provided within the facility or require transfer to a licensed medical facility. The facility detoxification protocol shall include procedures and symptoms necessitating immediate transfer to a hospital or other medical facility.

Facilities without medically licensed personnel in attendance shall not retain inmates incarcerated people undergoing withdrawal reactions judged or defined in policy, by the responsible physician, as not being readily controllable with available medical treatment. Such facilities shall arrange for immediate transfer to an appropriate medical facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1214. Informed Consent.

The health authority shall set forth in writing a plan for informed consent of inmates incarcerated persons in a language understood by the inmate incarcerated person. Except for emergency treatment, as defined in Business and Professions Code Section 2397 and Title 15, Section 1217, all examinations, treatments and procedures affected by informed consent standards in the community are likewise observed for inmate care of incarcerated people. In the case of minors, or conservatees, the informed consent of parent, guardian or legal custodian applies where required by law. Any inmate incarcerated person who has not been adjudicated to be incompetent may refuse non-emergency medical and mental health care. Absent informed consent in non-emergency situations, a court order is required before involuntary medical treatment can be administered to an inmate incarcerated person.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1215. Dental Care.

The facility administrator shall develop written policies and procedures to ensure emergency and medically required dental care is provided to each inmate incarcerated person, upon request, under the direction and supervision of a dentist, licensed in the state.

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Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1216. Pharmaceutical Management.

(a) The health authority in consultation with a pharmacist and the facility administrator, shall develop written plans, establish procedures, and provide space and accessories for the secure storage, the controlled administration, and disposal of all legally obtained drugs. Such plans, procedures, space and accessories shall include, but not be limited to, the following:

- (1) securely lockable cabinets, closets, and refrigeration units;
- (2) a means for the positive identification of the recipient of the prescribed medication;
- (3) procedures for administration/delivery of medicines to inmates incarcerated persons as prescribed;
- (4) confirming that the recipient has ingested the medication or accounting for medication under self-administration procedures outlined in Section 1216(d);
- (5) that prescribed medications have or have not been administered, by whom, and if not, for what reason;
- (6) prohibiting the delivery of drugs by inmates incarcerated people;
- (7) limitation to the length of time medication may be administered without further medical evaluation; and,
- (8) limitation to the length of time required for a physician's signature on verbal orders.
- (9) A written report shall be prepared by a pharmacist, no less than annually, on the status of pharmacy services in the institution. The pharmacist shall provide the report to the health authority and the facility administrator.

(b) Consistent with pharmacy laws and regulations, the health authority shall establish written protocols that limit the following functions to being performed by the identified personnel:

- (1) Procurement shall be done by a physician, dentist, pharmacist, or other persons authorized by law.
- (2) Storage of medications shall assure that stock supplies of legend medications shall be accessed only by licensed health personnel. Supplies of legend medications that have been dispensed and supplies of over-the-counter medications may be accessed by either licensed or non-licensed personnel.
- (3) Repackaging shall only be done by a physician, dentist, pharmacist, or other persons authorized by law.
- (4) Preparation of labels can only be done by a physician, dentist, pharmacist or other persons, either licensed or non-licensed, provided the label is checked and affixed to the medication container by the physician, dentist, or pharmacist before administration or delivery to the inmate incarcerated person. Labels shall be prepared in accordance with section 4076, Business and Professions Code.

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- (5) Dispensing shall only be done by a physician, dentist, pharmacist, or persons authorized by law.
- (6) Administration of medication shall only be done by licensed health personnel who are authorized to administer medication acting on the order of a prescriber.
- (7) Delivery of medication may be done by either licensed or non-licensed personnel, e.g., custody staff, acting on the order of a prescriber.
- (8) Disposal of legend medication shall be done in accordance with pharmacy laws and regulations and requires any combination of two of the following classifications: physician, dentist, pharmacist, or registered nurse. Controlled substances shall be disposed of in accordance with the Drug Enforcement Administration disposal procedures.

(c) Policy and procedures on “over-the-counter” medications shall include, but not be limited to, how they are made available, documentation when delivered by staff and precautions against hoarding large quantities.

(d) Policy and procedures may allow ~~inmate~~ self-administration of prescribed medications under limited circumstances. Policies and procedures shall include but are not limited to the following considerations:

- (1) Medications permitted for self-administration are limited to those with no recognized abuse potential. Medications for treatment of tuberculosis, psychotropic medication, controlled substances, injectables and any medications for which documentation of ingestion is essential are excluded from self-administration.
- (2) ~~Inmates~~Incarcerated persons with histories of frequent rule violations of any type, or who are found to be in violation of rules regarding self-administration, are excluded from self-administration.
- (3) Prescribing health care staff document that each ~~inmate~~incarcerated person participating in self-administration is capable of understanding and following the rules of the program and instructions for medication use.
- (4) Provisions are made for the secure storage of the prescribed medication when it is not on the ~~incarcerated inmate's~~ person.
- (5) Provisions are made for the consistent enforcement of self-medication rules by both custody and health care staff, with systems of communication among them when either one finds that an ~~inmate~~incarcerated person is in violation of rules regarding self-administration.
- (6) Provisions are made for health care staff to perform documented assessments of ~~inmate~~an incarcerated person's compliance with self-administration medication regimens. Compliance evaluations are done with sufficient frequency to guard against hoarding medication and deterioration of the ~~inmate~~person's health.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1217. Psychotropic Medications.

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The responsible physician, in cooperation with the facility administrator, shall develop written policies and procedures governing the use of psychotropic medications. An ~~inmate~~ incarcerated person found by a physician to be a danger to ~~him/herself~~ themselves or others by reason of mental disorders may be involuntarily given psychotropic medication appropriate to the illness on an emergency basis. Psychotropic medication is any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders. An emergency is a situation in which action to impose treatment over the ~~inmate~~ incarcerated person's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the ~~inmate~~ incarcerated person or others, and it is impracticable to first gain consent. It is not necessary for harm to take place prior to treatment.

If psychotropic medication is administered during an emergency, such medication shall be only that which is required to treat the emergency condition. The medication shall be prescribed by a physician following a clinical evaluation. The responsible physician shall develop a protocol for the supervision and monitoring of ~~inmates~~ incarcerated persons involuntarily receiving psychotropic medication.

Psychotropic medication shall not be administered to an ~~inmate~~ incarcerated person absent an emergency unless the ~~inmate~~ person has given ~~his or her~~ informed consent in accordance with Welfare and Institutions Code Section 5326.2, or has been found to lack the capacity to give informed consent consistent with the county's hearing procedures under the Lanterman-Petris-Short Act for handling capacity determinations and subsequent reviews.

There shall be a policy which limits the length of time both voluntary and involuntary psychotropic medications may be administered and a plan of monitoring and re-evaluating all ~~inmates~~ incarcerated people receiving psychotropic medications, including a review of all emergency situations.

The administration of psychotropic medication is not allowed for disciplinary reasons.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1220. First Aid Kit(s).

First aid kit(s) shall be available in all facilities. The responsible physician shall approve the contents, number, location and procedure for periodic inspection of the kit(s). In Court and Temporary Holding facilities, the facility administrator shall have the above approval authority, pursuant to Section 1200 of these regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1230. Food Handlers.

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The responsible physician, in cooperation with the food services manager and the facility administrator, shall develop written procedures for medical screening of ~~inmate~~ incarcerated food service workers prior to working in the facility kitchen. Additionally, there shall be written procedures for education and ongoing monitoring and cleanliness of these workers in accordance with standards set forth in Health and Safety Code, California Retail Food Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 12. FOOD

§ 1240. Frequency of Serving.

In Temporary Holding, Type I, II, and III facilities, and those Type IV facilities where food is served, food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Supplemental food must be served to ~~inmates~~ incarcerated persons if more than 14 hours pass between evening and morning meals. Additionally, supplemental food must be served to ~~inmates~~ people on medical diets in less than ~~a 14-hour~~ the time period outlined above, if prescribed by the responsible physician.

A minimum of fifteen minutes shall be allowed for the actual consumption of each meal except for those ~~inmates~~ on medical diets where the responsible physician has prescribed additional time.

Provisions shall be made for ~~inmates~~ incarcerated persons who may miss a regularly scheduled facility meal. They shall be provided with a substitute meal and beverage, and ~~inmates~~ on medical diets shall be provided with their prescribed meal.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1241. Minimum Diet.

The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 2014~~9~~ Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, ~~the 2008 California Food Guide~~, and the 2015~~20~~-2025~~0~~ Dietary Guidelines for Americans. Facilities providing religious, vegetarian or medical diets, shall also conform to these nutrition standards. The nutritional requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should be served.

(a) Protein Group. Includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter and textured vegetable protein (TVP). One serving equals 14 grams or more of protein; the daily requirements shall be equal to three servings (a total of 42 grams per day or 294 grams per week). In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week.

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(b) Dairy Group. Includes milk (fluid, evaporated or dry; nonfat, 1% or 2% reduced fat, etc.); cheese (cottage, cheddar, etc.); yogurt; ice cream or ice milk; and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg. of calcium. All milk shall be pasteurized and fortified with Vitamins A and D. The daily requirement is three servings. One serving can be from a fortified food containing at least 150 mg. of calcium. For persons 15-17 years of age, or pregnant and lactating ~~women~~people, the requirement is four servings of milk or milk products.

(c) Vegetable-Fruit Group. Includes fresh, frozen, dried and canned vegetables and fruits. One serving equals: 1/2 cup vegetable or fruit; 6 ounces of 100% juice; 1 medium apple, orange, banana, or potato; 1/2 grapefruit; or 1/4 cup dried fruit. The daily requirement of fruits and vegetables shall be five servings. At least one serving shall be from each of the following three categories:

- (1) One serving of a fresh fruit or vegetable per day, or seven (7) servings per week.
- (2) One serving of a Vitamin C source containing 30 mg. or more per day or seven (7) servings per week.
- (3) One serving of a Vitamin A source, fruit or vegetable, containing 200 micrograms ~~Retinol~~Retinol Equivalents (RE) or more per day, or seven servings per week.

(d) Grain Group. Includes bread, rolls, pancakes, sweet rolls, ready-to-eat cereals, cooked cereals, corn bread, pasta, rice, tortillas, etc. and any food item containing whole or enriched grains. At least three servings from this group must be made with whole grains. The daily requirements shall be a minimum of six servings.

Providing only the minimum servings outlined in this regulation is not sufficient to meet ~~an the inmates'~~incarcerated person's caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet daily caloric requirements. Saturated dietary fat should not exceed 10 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable. Facility diets shall consider the recommendations and intentions of the ~~2020-2025~~2025 Dietary Guidelines of Americans of reducing overall sugar and sodium levels.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1242. Menus.

Menus in Type II and III facilities, and those Type IV facilities where food is served, shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods, thus preventing repetitive meals. Menus shall be approved by a registered dietitian before being used. The dietitian shall ensure that the meals meet the nutritional and hot food requirements set forth in Sections 1240 and 1241.

If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet. Variations in the menu shall meet the caloric requirements set forth in Section 1240.

Menus, as planned, including changes, shall be evaluated by a registered dietitian at least annually.

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Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1243. Food Service Plan.

Facilities shall have a written food service plan that shall comply with the applicable California Retail Food Code. In facilities with an average daily population of 100 or more, there shall be employed or available, a trained experienced food services manager to prepare and implement a food service plan. In facilities of less than an average daily population of 100 that do not employ or have a food services manager available, the facility administrator shall prepare a food service plan. The plan shall include, but not limited to, the following policies and procedures:

- (a) menu planning;
- (b) purchasing;
- (c) storage and inventory control;
- (d) food preparation and handling, including provisions for food that is found to be contaminated, expired, showing obvious signs of spoilage, or otherwise not fit for human consumption;
- (e) food serving;
- (f) transporting food;
- (g) orientation and ongoing training;
- (h) personnel supervision;
- (i) budgets and food cost accounting;
- (j) documentation and record keeping;
- (k) emergency feeding plan;
- (l) waste management; and
- (m) maintenance and repair; and
- (n) three-day mainline sample tray.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1245. Kitchen Facilities, Sanitation, and Food Storage.

(a) Kitchen facilities, sanitation, and food preparation, service, and storage shall comply with standards set forth in Health and Safety Code, Division 104, Part 7, Chapters 1-13, Sections 113700 et seq. California Retail Food Code.

(b) In facilities where ~~inmates~~incarcerated people prepare meals for self-consumption or where frozen meals or pre-prepared food from other permitted food facilities (see Health and Safety Code Section 114381) are (re)heated and served, the following applicable California Retail Food Code standards may be waived by the local health officer:

- (1) H & S Sections 114130-114141;
- (2) H & S Sections 114099.6, 114095-114099.5, 114101-114109, 114123, and 114125, if a domestic or commercial dishwasher capable of providing heat to the surface of the utensils of a temperature of at least 165 degrees Fahrenheit,

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- is used for the purpose of cleaning and sanitizing multi-service utensils and multi-service consumer utensils;
- (3) H & S Sections 114149-114149.3 except that, regardless of such a waiver, the facility shall provide mechanical ventilation sufficient to remove gases, odors, steam, heat, grease, vapors and smoke from the kitchen;
 - (4) H & S Sections 114268-114269; and,
 - (5) H & S Sections 114279-114282.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1246. Food Serving and Supervision.

Policies and procedures shall be developed and implemented to ensure that appropriate work assignments are made and food handlers are adequately supervised. Food shall be prepared and served only under the immediate supervision of a staff member.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1247. Disciplinary Separation Diet.

~~(a) A disciplinary separation diet which is nutritionally balanced may be served to an inmate. No inmate receiving a prescribed medical diet is to be placed on a disciplinary separation diet without review by the responsible physician or pursuant to a written plan approved by the physician. Such a diet shall be served twice in each 24 hour period and shall consist of one half of the loaf (or a minimum of 19 oz. cooked loaf) described below or other equally nutritious diet, along with two slices of whole wheat bread and at least one quart of drinking water if the cell does not have a water supply. The use of disciplinary separation diet shall constitute an exception to the three meal a day standard. Should a facility administrator wish to provide an alternate disciplinary diet, such a diet shall be submitted to the Board for approval.~~

~~(b) The disciplinary diet loaf shall consist of the following:~~

- ~~2-1/2 oz. nonfat dry milk~~
- ~~4-1/2 oz. raw grated potato~~
- ~~3 oz. raw carrots, chopped or grated fine~~
- ~~1-1/2 oz. tomato juice or puree~~
- ~~4-1/2 oz. raw cabbage, chopped fine~~
- ~~7 oz. lean ground beef, turkey or rehydrated, canned, or frozen Textured Vegetable Protein (TVP)~~
- ~~2-1/2 fl. oz. oil~~
- ~~1-1/2 oz. whole wheat flour~~
- ~~1/4 tsp. salt~~
- ~~4 tsp. raw onion, chopped~~
- ~~1 egg~~
- ~~6 oz. dry red beans, pre-cooked before baking (or 16 oz. canned or cooked red kidney beans)~~
- ~~4 tsp. chili powder~~

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~~Shape into a loaf and bake at 350-375 degrees for 50-70 minutes.~~

~~Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.~~

§ 1248. Medical Diets.

The responsible physician, in consultation with the facility administrator, shall develop written policies and procedures that identify the individual(s) who are authorized to prescribe a medical diet. The medical diets utilized by a facility shall be planned, prepared and served with consultation from a registered dietitian. The facility manager shall comply with any medical diet prescribed for an ~~inmate~~ incarcerated person.

The facility manager and responsible physician shall ensure that the medical diet manual, which includes sample menus of medical diets, shall be available in both the medical unit and the food service office for reference and information. A registered dietitian shall review, and the responsible physician shall approve, the diet manual on an annual basis.

Pregnant and lactating women ~~people~~ shall be provided a balanced, nutritious diet approved by a doctor.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

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ARTICLE 13. ~~INMATE~~ CLOTHING AND PERSONAL HYGIENE

§ 1260. Standard Institutional Clothing.

The standard issue of climatically suitable clothing to ~~inmates~~ incarcerated people held after arraignment in all but Court Holding, Temporary Holding and Type IV facilities shall include, but not be limited to:

- (a) clean socks and footwear;
- (b) clean outergarments; and,
- (c) clean undergarments;
 - (1) for males - shorts and undershirt, and
 - (2) for females - bra and two pairs of panties.

The ~~inmates'~~ person's personal undergarments and footwear may be substituted for the institutional undergarments and footwear specified in this regulation. This option notwithstanding, the facility has the primary responsibility to provide the personal undergarments and footwear.

All issued and exchanged Cclothing shall be clean and free of holes or tears, reasonably fitted, durable, easily laundered and repaired. Undergarments shall be clean, free of holes or tears, and substantially free of stains. Individuals shall be able to select the garment type more compatible with their gender identity and gender expression.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1261. Special Clothing.

Provision shall be made to issue suitable additional clothing, essential for ~~inmates~~ incarcerated people to perform such special work assignments as food service, medical, farm, sanitation, mechanical, and other specified work.

All issued clothing must be clean, free of holes and tears.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1262. Clothing Exchange.

There shall be written policies and procedures developed by the facility administrator for the scheduled exchange of clothing. Unless work, climatic conditions, illness, or California Retail Food Code necessitates more frequent exchange, outergarments, except footwear, shall be exchanged at least once each week. Undergarments and socks shall be exchanged twice each week.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

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§ 1263. Clothing Supply.

There shall be a quantity of clean clothing, bedding, and linen available for actual and replacement needs of the ~~inmate~~ population.

Written policy and procedures shall specify handling of laundry that is known or suspected to be contaminated with infectious material.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1264. Control of Vermin in ~~Inmates'~~ Personal Clothing.

There shall be written policies and procedures developed by the facility administrator to control the contamination and/or spread of vermin in all ~~inmates'~~incarcerated people's personal clothing. Infested clothing shall be cleaned, disinfected, or stored in a closed container so as to eradicate or stop the spread of the vermin.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1265. Issue of Personal Care Items.

There shall be written policies and procedures developed by the facility administrator for the issue of personal hygiene items. Each ~~female inmate~~menstruating person shall be provided with sanitary napkins, panty liners, and tampons as requested with no maximum allowance. Each ~~inmate~~person to be held over 24 hours who is unable to supply ~~himself/herself~~themselves with the following personal care items, because of either indigency or the absence of an ~~inmate~~ canteen, shall be issued:

- (a) toothbrush,
- (b) dentifrice,
- (c) soap,
- (d) comb, and
- (e) shaving implements.

Personal care items shall be issued within the first 12 hours of housing assignment. ~~Inmates~~incarcerated persons shall not be required to share any personal care items listed in items "a" through "d."

~~Inmates~~incarcerated people will not share disposable razors. Double edged safety razors, electric razors, and other shaving instruments capable of breaking the skin, when shared among ~~inmates~~incarcerated people, must be disinfected between individual uses by the method prescribed by the State Board of Barbering and Cosmetology in Sections 979 and 980, Division 9, Title 16, California Code of Regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

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§ 1266. Showering.

There shall be written policies and procedures developed by the facility administrator for ~~inmate~~ showering/bathing. ~~Inmates~~ Incarcerated persons shall be permitted to shower/bathe upon assignment to a housing unit and at least every other day or more often if possible.

Absent exigent circumstances, no person shall be prohibited from showering at least every other day following assignment to a housing unit. If showering is prohibited, it must be approved by the facility manager or designee, and the reason(s) for prohibition shall be documented.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1267. Hair Care Services.

(a) Hair care services shall be available.

(b) ~~Inmates,~~ Except those who may not shave for reasons of identification in court, incarcerated people shall be allowed to shave daily and receive hair care services at least once a month. The facility administrator may suspend this requirement in relation to ~~inmates~~ people who are considered to be a danger to themselves or others.

(c) Equipment shall be disinfected, after each use, by a method approved by the State Board of Barbering and Cosmetology to meet the requirements of Title 16, Division 9, Sections 979 and 980, California Code of Regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 14. BEDDING AND LINEN

§ 1270. Standard Bedding and Linen Issue.

The standard issue of clean suitable bedding and linens, for each ~~inmate~~ incarcerated person entering a living area who is expected to remain overnight, shall include, but not be limited to:

- (a) one serviceable mattress which meets the requirements of Section 1272 of these regulations;
- (b) one mattress cover or one sheet;
- (c) one towel; and,
- (d) one blanket or more depending upon climatic conditions.

Policy and procedure shall require that items (a), (b), and (d) above be provided prior to the first night in the facility.

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Two blankets or sleep bag may be issued in place of one mattress cover or one sheet at the request of the incarcerated person.

Temporary Holding facilities which hold persons longer than 12 hours shall provide an incarcerated person with bedding and linen that meet the requirements of (a), (b) and (d) above prior to their first night in the facility and every night thereafter.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1271. Bedding and Linen Exchange.

There shall be written policies and procedures developed by the facility administrator for the scheduled exchange of laundered and/or sanitized bedding and linen issued to each ~~inmate~~ person housed. Washable items such as sheets, mattress covers, and towels shall be exchanged for clean replacement at least once each week. If a top sheet is not issued, blankets or sleep bags shall be laundered or dry cleaned at least once a month or more often if necessary. If a top sheet is issued, blankets shall be laundered or dry cleaned at least every three months.

Mattress shall be free of holes and tears. Mattress with holes, tears, or that lack sufficient padding shall be replaced upon request with mattresses that meet the requirements of Section 1270.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1272. Mattresses.

Any mattress issued to an ~~inmate~~ incarcerated person in any facility shall be enclosed in an easily cleaned, non-absorbent ticking, and conform to the size of the bunk as referenced in Title 24, Part 2, Section 1231.3.5, Beds. Any mattress purchased for issue to an ~~inmate~~ incarcerated person in a facility which is locked to prevent unimpeded access to the outdoors shall be certified by the manufacturer as meeting all requirements of the State Fire Marshal and the Bureau of Home Furnishings' test standard for penal mattresses at the time of purchase.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

ARTICLE 15. FACILITY SAFETY AND SECURITY

§ 1280. Facility Sanitation, Safety, and Maintenance.

The facility administrator shall develop written policies and procedures for the maintenance of an acceptable level of cleanliness, repair and safety throughout the facility. Such a plan shall provide for a regular schedule of housekeeping tasks and inspections to identify and correct unsanitary or unsafe conditions or work practices which may be found.

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Medical care housing as described in Title 24, Part 2, Section 1231.2.14, shall be cleaned and sanitized according to policies and procedures established by the health authority.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Attachment B-2

**BOARD OF STATE AND COMMUNITY CORRECTIONS
MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 4**

EXPRESS TERMS

Article 1. General Instructions

§ 1006. Definitions.

The following definitions shall apply:

“Administering Medication,” as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed), or dispensed supplies.

“Administrative ~~segregation~~separation” means the physical separation of different types of ~~inmates~~incarcerated persons from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of these regulations. Administrative ~~segregation~~separation is accomplished to provide that level of control and security necessary for good management and the protection of staff and ~~inmates~~incarcerated persons.

“Alternate means of compliance” means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Board pursuant to an application.

“Average daily population” means the number of ~~inmates~~incarcerated persons housed in a facility in a day. Average daily population (ADP) is the daily population divided by the number of days in the period of measurement.

“Board” means the Board of State and Community Corrections, whose board acts by and through its executive director, deputy directors, and field representatives.

“Clean” means laundered immediately prior to issue unless new or, in the case of mattresses and items that cannot be laundered, disinfected immediately prior to issue.

“Clinical evaluation” means an assessment of a person's physical and/or mental health condition conducted by licensed health personnel operating within recognized scope of practice specific to their profession and authorized by a supervising physician or psychiatrist.

“Concept drawings” means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

“Contact” means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between incarcerated adults inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between incarcerated adults inmates and juvenile offenders.

“Court Holding facility” means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

“Custodial personnel” means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent sworn or civilian rank whose duties include the supervision of inmates incarcerated persons.

“Delivering Medication,” as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

“Design-bid-build” means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

“Design-build” means a construction procurement process in which both the design and construction of a project are procured from a single entity.

“Developmentally disabled” means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes cognitive and intellectual disabilities ~~mental retardation~~, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to cognitive and intellectual disabilities ~~mental retardation~~ or to require treatment similar to that required for mentally retarded individuals.

“Direct visual observation” means direct personal view of the inmate incarcerated person in the context of his/her/their surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment.

“Disciplinary separation” means ~~that punishment~~ the status assigned an person inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit.

“Dispensing,” as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging, and labeling of the drug based upon a prescription from a physician, dentist, or other prescriber authorized by law.

“Disposal,” as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

“Emergency” means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.

“Emergency medical situations” means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

“Exercise” means the opportunity for physical exertion of large muscle groups.

“Facility/system administrator” means the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility/system.

“Facility manager” means the jail commander, camp superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

“Facility watch commander” means the individual designated by the facility manager to make operational decisions during ~~his/h~~their work hours.

“Gender expression” means the manner in which gender is expressed through clothing, appearance, behavior, speech, etc.

“Gender identity” means a person's sense of being male, female, some combination of male or female, or neither male nor female.

“Health authority” means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

“Health care” means medical, mental health and dental services.

“In-person visit” means an on-site visit that may include barriers. In-person visits include interactions in which an ~~inmate~~incarcerated person has physical contact with a visitor, ~~the inmate~~ is able to see a visitor through a barrier, or ~~the inmate~~ is otherwise in a room with

a visitor without physical contact. “In-person visit” does not include an interaction between an ~~inmate~~ incarcerated person and a visitor through the use of an on-site two-way audio/video terminal.

“Jail,” as used in Article 8, means a Type II or III facility as defined in the “Minimum Standards for Local Detention Facilities.”

“Labeling,” as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

“Law enforcement facility” means a building that contains a Type I Jail, Temporary Holding Facility, or Lockup. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

“Legend drugs” are any drugs defined as “dangerous drugs” under Chapter 9, Division 2, Section 4211 of the California Business and Professions Code. These drugs bear the legend, “Caution Federal Law Prohibits Dispensing Without a Prescription.” The Food and Drug Administration (FDA) has determined because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

“Living areas” means those areas of a facility utilized for the day-to-day housing and activities of ~~inmates~~ incarcerated persons. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

“Local detention facility” means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

“Local detention system” means all of the local detention facilities that are under the jurisdiction of a city, county, or combination thereof whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in statute.

“Local Health Officer” means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

“Lockup” means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced ~~prisoners~~ persons who are ~~inmate~~ incarcerated workers may reside in the facility to carry out appropriate work.

“May” is permissive; “shall” is mandatory.

~~“Medical detoxification” means a process that systematically and safely withdraws people from who may be addicted to addicting drugs or alcohol, usually under the care of a physician licensed medical provider. Drinking alcohol or using prescribed and/or illicit drugs can cause physical and/or psychological dependence over time and stopping them can result in withdrawal symptoms in people with this dependence. The detoxification process is designed to treat the immediate bodily effects of stopping drug or alcohol use that may be life-threatening.~~

“Mental Health Director,” means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

“Non-secure custody” means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

~~“Non-sentenced inmate,” means an inmate incarcerated person with any pending local charges or one who is being held solely for charges pending in another jurisdiction.~~

“Out of cell time” means time spent outside of the sleeping area, where an individual has the opportunity to exercise or participate in recreation.

“Over-the-counter (OTC) Drugs,” as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).

~~“People with disabilities” includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.~~

“Performance criteria” means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type, and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency's needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

“Pilot Project” means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Board.

“Procurement,” as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

“Psychotropic medication” means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

“Rated capacity” means the number of ~~inmate~~incarcerated occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary separation housing, were planned and designed in conformity to the standards and requirements contained in Title 15 and in Title 24.

“Recreation” means the individual's ability to choose from activities that occupy the attention and offer the opportunity for relaxation and may include reading, games, socialization, entertainment, education, and programs.

“Regional Center for Developmentally Disabled” means those private agencies throughout the state, funded through the Department of Developmental Services, which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

“Remodel” means to alter the facility structure by adding, deleting, or moving any of the buildings' components thereby affecting any of the spaces specified in Title 24, Part 2, Section 1231.

“Repackaging,” as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturers' container to another properly labeled container.

“Repair” means to restore to original condition or replace with like-in-kind.

“Responsible health care staff” means an individual who is qualified by education, training, ~~and/or~~ licensure/regulation and/or facility privileges (when applicable) who performs a professional service within ~~his or her~~their scope of practice and in accordance with assigned duties. This distinguishes the “responsible health care staff” from the many other “qualified health care staff” that are not specifically assigned to assure that certain care is rendered.

“Safety checks” means direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of ~~inmates~~incarcerated people.

“Secure custody” means that a minor being held in temporary custody in a law enforcement facility is locked in a room, ~~or~~ enclosure, ~~and/or~~ is physically secured to a cuffing rail or other stationary object.

“Security glazing” means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

“~~Sentenced inmate,~~” means an inmate person that is has been sentenced/committed to custody in a local detention facility. on all local charges.

“Serviceable” means mattresses that lack holes or tears and have sufficient padding.

“Sexual abuse” has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012), hereby incorporated by reference.

“Sexual harassment” has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012), hereby incorporated by reference.

“Shall” is mandatory; “may” is permissive.

“Sobering cell” as referenced in Section 1056, refers to an initial “sobering up” place for ~~arrestees~~ people who are sufficiently intoxicated from any substance to require a protected environment.

“Storage,” as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

“Supervision in a law enforcement facility” means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

“Supervisory custodial personnel” means those staff members whose duties include direct supervision of custodial personnel.

“Telehealth” means a collection of means or methods for enhancing health care using telecommunications technologies. Telehealth encompasses a broad variety of technologies to deliver virtual health services.

“Temporary custody” means that the minor is not at liberty to leave the law enforcement facility.

“Temporary Holding facility” means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.

“Trauma” is an experience that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and

that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.

"Type I facility" means a local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or ~~sentenced those committed~~ to a city jail ~~as an inmate worker, and or~~ may house ~~inmate workers~~ people sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the ~~inmate~~ person incarcerated. As used in this section, an ~~inmate incarcerated~~ worker is defined as a person assigned to perform designated tasks outside of ~~his/her~~ their cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a ~~five-day~~ five-day scheduled work week.

"Type II facility" means a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.

"Type III facility" means a local detention facility used only for the detention of convicted and sentenced persons.

"Type IV facility" means a local detention facility or portion thereof designated for ~~the housing of inmates eligible~~ under Penal Code Section 1208 for work/education furlough ~~and/or~~ other programs involving ~~inmate~~ access into the community.

"Video visitation" has the same meaning as Penal Code Section 4032.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1007. Pilot Projects.

The pilot project is the short-term method used by a local detention facility/system, approved by the Board, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Board may, upon application of a city, county or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

- (a) The regulations which the pilot project will affect.
- (b) Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (c) The applicant's history of compliance or non-compliance with standards.
- (d) A summary of the "totality of conditions" in the facility or facilities, including but not limited to;
 - (1) program activities, exercise and recreation;
 - (2) adequacy of supervision;
 - (3) types of ~~inmates~~ incarcerated persons affected; and,
 - (4) ~~inmate~~ classification procedures.
- (e) A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.
- (f) The projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any.
- (g) A plan for developing and implementing the pilot project including a time line where appropriate.
- (h) A statement of how the overall goal of providing safety to incarcerated people and staff and ~~inmates~~ will be achieved.

The Board shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Board may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 1008 of these regulations.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6029, Penal Code.

§ 1008. Alternate Means of Compliance.

The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Board, to encourage responsible innovation and creativity in the operation of California's local detention facilities. The Board may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated (as defined in Section 1007). The city, county, or city and county must present the completed application to the Board no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- (a) Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (b) The applicant's history of compliance or non-compliance with standards.
- (c) A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - (1) program activities, exercise and recreation;
 - (2) adequacy of supervision;
 - (3) types of ~~inmates~~ incarcerated persons affected; and,
 - (4) ~~inmate~~-classification procedures.
- (d) A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- (e) The projected costs of the alternative and projected cost savings to the city, county, or city and county if any.

- (f) A plan for developing and implementing the alternative including a ~~time line~~timeline where appropriate.
- (g) A statement of how the overall goal of providing safety to incarcerated people and staff ~~and inmates~~ was achieved during the pilot project evaluation phase (Section 1007).

The Board shall consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time, and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Board may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 2. Inspection and Application of Standards

§ 1010. Applicability of Standards.

(a) All standards and requirements contained herein shall apply to Types I, II, III and IV facilities except as specifically noted in these regulations.

(b) Court holding facilities shall comply with the following regulations:

- (1) 1012, Emergency Suspensions of Standards or Requirements
- (2) 1018, Local Detention Facility Appeal Process
- (3) 1024, Court Holding and Temporary Holding Facility Training
- (4) 1027, Number of Personnel
- (5) 1027.5, Safety Checks
- (6) 1028, Fire and Life Safety Staff
- (7) 1029, Policy and Procedures Manual
- (8) 1030, Suicide Prevention Program
- (9) 1032, Fire Suppression Preplanning
- (10) 1044, Incident Reports
- (11) 1046, Death in Custody
- (12) 1050, Classification Plan
- (13) 1051, Communicable Diseases
- (14) 1052, ~~Mentally Disordered Inmates~~ Behavioral Crisis Identification
- (15) 1053, ~~Administrative Segregation~~ Separation
- (16) 1057, ~~Developmentally Disabilities~~ led Inmates
- (17) 1058, Use of Restraint Devices
- (18) 1058.5, ~~Restraints and Pregnant Inmates~~ Persons
- (19) 1068, Access to Courts and Counsel
- (20) Title 24, Section 13-102(c)1, Letter of Intent
- (21) Title 24, Section 13-102(c)3, Operational Program Statement
- (22) Title 24, Section 13-102(c)5, Submittal of Plans and Specifications
- (23) Title 24, Section 13-102(c)6C, Design Requirements
- (24) Title 24, Part 2, Section 1231.2, Design Criteria for Required Spaces
- (25) Title 24, Part 2, Section 1231.3, Design Criteria for Furnishings and Equipment
- (26) 1200, Responsibility for Health Care Services
- (27) 1220, First Aid Kit(s)
- (28) 1246, Food Serving and Supervision
- (29) 1280, Facility Sanitation, Safety, Maintenance

(c) In addition to the regulations cited above, court holding facilities that hold minors shall also comply with the following regulations:

- (1) 1047, Serious Illness of a Minor in an Adult Detention Facility
- (2) 1122.5, Pregnant Minors
- (3) 1160, Purpose
- (4) 1161, Conditions of Detention
- (5) 1162, Supervision of Minors
- (6) 1163, Classification

(d) Temporary holding facilities shall comply with the following regulations:

- (1) 1012, Emergency Suspensions of Standards or Requirements
- (2) 1018, Local Detention Facility Appeal Process
- (3) 1024, Court Holding and Temporary Holding Facility Training
- (4) 1027, Number of Personnel

- (5) 1027.5, Safety Checks
- (6) 1028, Fire and Life Safety Staff
- (7) 1029, Policy and Procedures Manual
- (8) 1030, Suicide Prevention Program
- (9) 1032, Fire Suppression Preplanning
- (10) 1044, Incident Reports
- (11) 1046, Death in Custody
- (12) 1050, Classification Plan
- (13) 1051, Communicable Diseases
- (14) 1052, ~~Mentally Disordered Inmates~~ Behavioral Crisis Identification
- (15) 1053, ~~Administrative Segregation~~ Separation
- (16) 1057, ~~Developmentally Disabilities~~ Inmates
- (17) 1058, Use of Restraint Devices
- (18) 1058.5, Restraints and Pregnant ~~Inmates~~ Persons
- (19) 1067, Access to Telephone
- (20) 1068, Access to Courts and Counsel
- (21) Title 24, Section 13-102(c)1, Letter of Intent
- (22) Title 24, Section 13-102(c)3, Operational Program Statement
- (23) Title 24, Section 13-102(c)5, Submittal of Plans and Specifications
- (24) Title 24, Section 13-102(c)6C, Design Requirements
- (25) Title 24, Part 2, Section 1231.2, Design Criteria for Required Spaces
- (26) Title 24, Part 2 Section 1231.3, Design Criteria for Furnishings and Equipment
- (27) 1200, Responsibility for Health Care Services
- (28) 1207, Medical Receiving Screening
- (29) 1209, Transfer to Treatment Facility
- (30) 1212, Vermin Control
- (31) 1213, Detoxification Treatment
- (32) 1220, First Aid Kit(s)
- (33) 1240, Frequency of Serving
- (34) 1241, Minimum Diet
- (35) 1243, Food Service Plan
- (36) 1246, Food Serving and Supervision
- (37) 1280, Facility Sanitation, Safety, Maintenance

(e) The following sections are applicable to temporary holding facilities where such procedural or physical plant items are utilized.

- (1) 1055, Use of Safety Cell
- (2) 1056, Use of Sobering Cell
- (3) 1058, Use of Restraint Devices
- (4) 1058.5, Restraints and Pregnant ~~Inmates~~ Persons
- (5) 1080, Rules and Disciplinary ~~Penalties~~ Actions
- (6) 1081, Plan for ~~Inmate~~ Discipline of Incarcerated Persons
- (7) 1082, Forms of Discipline
- (8) 1083, Limitations on Disciplinary Actions
- (9) 1084, Disciplinary Records

- (10) Title 24, Part 2, Section 1231.2.1 Area for Reception and Booking
- (11) Title 24, Part 2, Section 1231.2.4 Sobering Cell
- (12) Title 24, Part 2, Section 1231.2.5 Safety Cell
- (13) Title 24, Part 2, Section 1231.3.4 Design Criteria for Showers
- (14) Title 24, Part 2, Section 1231.3.5 Design Criteria for Beds/Bunks
- (15) Title 24, Part 2, Section 1231.3.8 Design Criteria for Cell Padding
- (16) 1270, Standard Bedding and Linen Issue
- (17) 1272, Mattresses

(f) Law enforcement facilities, including lockups, that hold minors in temporary custody shall, in addition to the previously cited applicable regulations, comply with the following regulations:

- (1) 1046, Death in Custody
- (2) 1047, Serious Illness of a Minor in an Adult Detention Facility
- (3) 1140, Purpose
- (4) 1141, Minors Arrested for Law Violations
- (5) 1142, Written Policies and Procedures
- (6) 1143, Care of Minors in Temporary Custody
- (7) 1144, Contact Between Minors and Adult Prisoners
- (8) 1145, Decision on Secure Detention
- (9) 1146, Conditions of Secure Detention
- (10) 1147, Supervision of Minors Held Inside a Locked Enclosure
- (11) 1148, Supervision of Minors in Secure Detention Outside a Locked Enclosure
- (12) 1149, Criteria for Non-secure Custody
- (13) 1150, Supervision of Minors in Non-secure Custody
- (14) 1151, Intoxicated and Substance Abusing Minors in a Lockup

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1012. Emergency Suspensions of Standards or Requirements.

Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any standard or requirement herein prescribed in the event of any emergency which threatens the safety of a local detention facility, ~~its inmates incarcerated people, or~~ staff, or the public. Only such regulations directly affected by the emergency may be suspended. The facility administrator shall notify the Board in writing in the event that such a suspension lasts longer than three days. Suspensions lasting for more than 15 days require approval of the chairperson of the Board. Such approval shall be effective for the time specified by the chairperson.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1018. Local Detention Facility Appeal Process.

The appeal hearing procedures are intended to provide a review concerning the Board application and enforcement of standards and regulations in local detention facilities and

lockups. A county, city, or city and county facility may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

(a) Levels of Appeal.

- (1) There are two levels of appeal as follows:
 - (A) appeal to the Executive Director; and,
 - (B) appeal to the Board.
- (2) An appeal shall first be filed with the Executive Director.

(b) Appeal to the Executive Director.

- (1) If a county, city, or city and county facility is dissatisfied with an action of the Board staff, it may appeal the cause of the dissatisfaction to the Executive Director. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.
- (2) The appeal shall be in writing and:
 - (A) state the basis for the dissatisfaction;
 - (B) state the action being requested of the Executive Director; and,
 - (C) attach any correspondence or other documentation related to the cause for dissatisfaction.

(c) Executive Director Appeal Procedures.

- (1) The Executive Director shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days except in those cases where the appellant withdraws or abandons the appeal.
- (2) The procedural time requirement may be waived with the mutual consent of the appellant and the Executive Director.
- (3) The Executive Director may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant sources of information deemed appropriate.

(d) Executive Director's Decision.

The decision of the Executive Director shall be in writing and shall provide the rationale for the decision.

(e) Request for Appeal Hearing by Board.

- (1) If a county, city, or city and county facility is dissatisfied with the decision of the Executive Director, it may file a request for an appeal hearing with the Board. Such appeal shall be filed within 30 calendar days after receipt of the Executive Director's decision.
- (2) The request shall be in writing and:
 - (a) state the basis for the dissatisfaction;
 - (b) state the action being requested of the Board; and,
 - (c) attach any correspondence related to the appeal from the Executive Director.

(f) Board Hearing Procedures.

- (1) The hearing shall be conducted by a hearing panel designated by the Chairman of the Board at a reasonable time, date, and place, but not later than 21 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
- (2) The procedural time requirements may be waived with mutual consent of the parties involved.
- (3) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
- (4) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
- (5) The hearing is not formal or judicial in nature. Pertinent and relative information, whether written or oral, shall be accepted. Hearings shall be tape recorded.
- (6) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board at its next regular public meeting.

(g) Board of State and Community Corrections Decision.

- (1) The Board, after receiving the proposed decision, may:
 - (a) adopt the proposed decision;
 - (b) decide the matter on the record with or without taking additional evidence; or,
 - (c) order a further hearing to be conducted if additional information is needed to decide the issue.
- (2) The Board, or notice of a new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant.
- (3) The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
- (4) The decision of the Board shall be final.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 3. Training, Personnel and Management**§ 1024. Court Holding and Temporary Holding Facility Training.**

At a minimum, all supervisors of, and personnel who supervise inmates incarcerated persons in, a Court Holding or Temporary Holding facility shall complete 8 hours of

~~specialized corrections training. Custodial personnel who supervise inmates in, and supervisors of, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized training. Such training shall include, but not be limited to:~~

- ~~(a) applicable minimum jail standards;~~
- ~~(b) jail operations liability;~~
- ~~(c) inmate segregation/separation of incarcerated persons;~~
- ~~(d) emergency procedures and planning, fire and life safety; and;~~
- ~~(e) suicide prevention;~~
- ~~(f) de-escalation;~~
- ~~(g) juvenile procedures;~~
- ~~(h) racial bias; and,~~
- ~~(e)(i) mental illness.~~

Such training shall be completed as soon as practical, but in any event not more than six months after the date of assigned responsibility, ~~or the effective date of this regulation.~~ Successful completion of Core training or supplemental Core training, pursuant to Section 1020, Corrections Officer Core Course, may be substituted for the initial eight hours of training.

~~A total of E~~eight hours of refresher training shall be completed ~~once~~ every two years. Successful completion of the requirements in Section 1025, Continuing Professional Training may be substituted for the eight-hour refresher.

Each agency shall determine if additional training is needed based upon, but not limited to, the complexity of the facility, the number of ~~inmates~~ people incarcerated, the employees' level of experience and training, and other relevant factors.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1027. Number of Personnel.

A sufficient number of personnel shall be employed in each local detention facility to ensure the implementation and operation of the programs and activities required by these regulations.

Whenever there is an ~~inmate~~ person in custody, there shall be at least one employee on duty at all times in a local detention facility or in the building which houses a local detention facility who shall be immediately available and accessible to ~~inmates~~ incarcerated people in the event of an emergency. Such an employee shall not have any other duties which would conflict with the supervision and care of ~~inmates~~ incarcerated people in the event of an emergency. Whenever one or more females ~~inmates~~ are in custody, there shall be at least one female employee who shall be immediately available and accessible to such females.

Additionally, in Type IV programs the administrator shall ensure a sufficient number of personnel to provide case review, program support, and field supervision.

In order to determine if there is a sufficient number of personnel for a specific facility, the facility administrator shall prepare and retain a staffing plan indicating the personnel assigned in the facility and their duties. Such a staffing plan shall be reviewed by the Board staff at the time of their biennial inspection. The results of such a review and recommendations shall be reported to the local jurisdiction having fiscal responsibility for the facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, 6031 and 6031.1, Penal Code.

§ 1027.5 Safety Checks.

The facility administrator shall develop and implement policy and procedures for conducting safety checks that include but are not limited to the following:

Safety checks will determine the safety and well-being of individuals and shall be conducted at least hourly through direct visual observation of all inmates/people held and housed in the facility.

- (a) There shall be no more than a 60-minute lapse between safety checks.
- (b) Safety checks for people in sobering cells, safety cells, and restraints shall occur more frequently as outlined in the relevant regulations.
- (c) Safety checks shall occur at random or varied intervals.
- (d) There shall be a written plan that includes the documentation of routine all safety checks. Documentation shall include:
 - (1) the actual time at which each individual safety check occurred;
 - (2) the location where each individual safety check occurred, such as a cell, module, or dormitory number; and,
 - (3) Initials or employee identification number of staff who completed the safety check(s).
- (e) A documented process by which safety checks are reviewed at regular defined intervals by a supervisor or facility manager, including methods of mitigating patterns of inconsistent documentation, or untimely completion of, safety checks.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1028. Fire and Life Safety Staff.

Pursuant to Penal Code Section 6030(c), effective January 1, 1980, whenever there is an inmate/a person in custody, there shall be at least one person on duty at all times who meets the training standards established by the Board for general fire and life safety. The facility manager shall ensure that there is at least one person on duty who trained in fire and life safety procedures that relate specifically to the facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1029. Policy and Procedures Manual.

Facility administrator(s) shall develop and publish a manual of policy and procedures for the facility. The policy and procedures manual shall address all applicable Title 15 and Title 24 regulations and shall be comprehensively reviewed and updated at least every two years. Such a manual shall be made available to all employees.

(a) The manual for Temporary Holding, Type I, II, and III facilities shall provide for, but not be limited to, the following:

- (1) Table of organization, including channels of communications.
- (2) Inspections and operations reviews by the facility administrator/manager.
- (3) Policy on the use of force that meets current state and federal legal requirements and includes prohibition of the use of carotid holds.
- (4) Policy on the use of restraint equipment, including the restraint of pregnant inmatespersons as referenced in Penal Code Section 3407.
- (5) Procedure and criteria for screening newly received inmatespersons for release, per Penal Code sections 849(b)(2) and 853.6, and any other such processes as the facility administrator is empowered to use.
- (6) Security and control including physical counts of inmates, and searches of the facility and inmatesincarcerated persons, contraband control, and key control. Each facility administrator shall, at least annually, review, evaluate, and make a record of security measures. The review and evaluation shall include internal and external security measures of the facility including security measures specific to prevention of sexual abuse and sexual harassment.
- (7) Emergency procedures include:
 - (A) fire suppression preplan as required by section 1032 of these regulations;
 - (B) escape, disturbances, and the taking of hostages;
 - (C) mass arrests;
 - (D) natural disasters;
 - (E) periodic testing of emergency equipment; and,
 - (F) storage, issue, and use of weapons, ammunition, chemical agents, and related security devices.
- (8) Suicide Prevention.
- (9) Segregation-Separation of Inmatesincarcerated persons.
- (10) Zero tolerance in the prevention of sexual abuse and sexual harassment.
- (11) Policy and procedure to detect, prevent, and respond to retaliation against any staff or inmateperson after reporting any abuse.
- ~~(11)~~(12) Release policy, including release planning for the individualincarcerated persons.

(b) The policies and procedures required in subsections (a)(6) and (a)(7) may be placed in a separate manual to ensure confidentiality.

(c) The manual for court holding facilities shall include all of the procedures listed in subsection (a), except number (5).

(d) The manual for Type IV facilities shall include, in addition to the procedures required in subsection (a), except number (5), procedures for:

- (1) accounting of inmate-funds belonging to incarcerated people;
- (2) community contacts;
- (3) field supervision;

- (4) temporary release; and
 - (5) obtaining health care.
- (e) The manual for Temporary Holding, Court Holding, Type I, II, III, and IV facilities shall provide for, but not be limited to, the following:
- (1) multiple internal ways for inmates incarcerated people to privately report sexual abuse and sexual harassment, retaliation by other inmates incarcerated persons or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents,
 - (2) a method for uninvolved inmates incarcerated persons, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting shall be publicly posted at the facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1030. Suicide Prevention Program.

The facility shall have a comprehensive written suicide prevention program developed by the facility administrator or designee, in conjunction with the health authority and mental health director, to identify, monitor, and provide treatment to those inmates incarcerated persons who present a suicide risk. The program shall consider national best practices and include the following:

- (a) Annual ~~§~~suicide prevention training for all ~~staff that have direct contact with inmates~~ custodial personnel.
- (b) Intake screening for suicide risk immediately upon intake and prior to housing assignment.
- (c) Screening during special situations, including placement in restrictive housing, following a hearing, and after a transfer or change in classification.
- (~~e~~)(d) Provisions facilitating communication among arresting/transporting officers, facility staff, court staff, medical and mental health personnel in relation to suicide risk.
- (~~d~~)(e) Housing recommendations for inmates-people at risk of suicide that balance safety and environment. The least restrictive environment should be considered.
- (~~e~~)(f) Supervision depending on level of suicide risk.
- (f)(g) Suicide attempt and suicide intervention policies and procedures.
- (~~g~~)(h) Provisions for reporting suicides and suicides attempts.
- (i) Multi-disciplinary administrative review of suicides and attempted suicides as defined by the facility administrator, including the development of a corrective action plan to address deficiencies identified in the administrative review.
- (j) Provisions for follow up care as needed.
- (~~h~~)(k) Plan for mental health consultation following return from court as needed.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1032. Fire Suppression Preplanning.

Pursuant to Penal Code Section 6031.1(b), the facility administrator shall consult with the local fire department having jurisdiction over the facility, with the State Fire Marshal, or both, in developing a plan for fire suppression which shall include, but not be limited to:

- (a) a fire suppression pre-plan developed with the local fire department to be included as part of the policy and procedures manual (Title 15, California Code of Regulations Section 1029);
- (b) ~~regular~~ monthly fire prevention inspections by facility staff ~~on a monthly basis~~ with ~~two-~~year retention of the inspection record;
- (c) fire prevention inspections as required by Health and Safety Code Section 13146.1(a) and (b) which requires inspections at least once every two years;
- (d) an evacuation plan; and,
- (e) a plan for the emergency housing of ~~inmates~~ incarcerated people in the case of fire.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030 and 6031.1, Penal Code.

Article 4. Records and Public Information

§ 1040. Population Accounting.

Except in court holding and temporary holding facilities, each facility administrator shall maintain ~~an inmate~~ demographics accounting system which reflects the monthly average daily population of sentenced and non-sentenced ~~inmates~~ people by ~~categories of male, female~~ gender and juvenile status. Facility administrators shall provide the Board with applicable ~~inmate~~ demographic information as described in the Jail Profile Survey.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, Penal Code.

§ 1041. ~~Inmate~~ Records.

- (a) Each facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures for the maintenance of individual ~~inmate~~ records for each incarcerated person which shall include, but not be limited to, intake information, personal property receipts, commitment papers, court orders, reports of disciplinary actions taken, medical orders issued by the responsible physician and staff response, and non-medical information regarding disabilities and other limitations.
- (b) Each facility administrator shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control and from other facilities with which it contracts for the confinement of its ~~inmates~~ incarcerated people. The data collected shall include, at a minimum, the data necessary to satisfy the reporting requirements of 34 U.S.C. section 30303(a)(1).

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1044. Incident Reports.

Each facility administrator shall develop written policies and procedures for the maintenance of written records and reporting of all incidents which result in physical harm, or serious threat of physical harm, to an employee or ~~inmate~~incarcerated person of a detention facility or other person. Such records shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. Such a written record shall be prepared by the staff assigned to investigate the incident and submitted to the facility manager or ~~his/her~~ designee.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1045. Public Information Plan.

Each facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures for the dissemination of information to the public, to other government agencies, and to the news media. The public and ~~inmates~~incarcerated persons shall have available for review the following material:

(a) The Board of State and Community Corrections Minimum Standards for Local Detention Facilities as found in Title 15 of the California Code of Regulations.

(b) Facility rules and procedures affecting ~~inmates~~incarcerated people as specified in sections:

- (1) 1045, Public Information Plan
- (2) 1061, ~~Inmate~~ Education Plan
- (3) 1062, Visiting
- (4) 1063, Correspondence
- (5) 1064, Library Service
- (6) 1065, Exercise and ~~Recreation~~ Out of Cell Time
- (7) 1066, Books, Newspapers, Periodicals and Writings
- (8) 1067, Access to Telephone
- (9) 1068, Access to Courts and Counsel
- (10) 1069, ~~Inmate~~ Orientation
- (11) 1070, Individual/Family Service Programs
- (12) 1071, Voting
- (13) 1072, Religious Observance
- (14) 1073, ~~Inmate~~ Grievance Procedure
- (15) 1080, Rules and Disciplinary ~~Penalties~~ Actions
- (16) 1081, Plan for ~~Inmate~~ Discipline of Incarcerated Persons
- (17) 1082, Forms of Discipline
- (18) 1083, Limitations on Discipline
- (19) 1200, Responsibility for Health Care Services

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1046. Death in Custody.

(a) Death in Custody Reviews for Adults and Minors.

The facility administrator, in cooperation with the health administrator, shall develop written policy and procedures to ensure that there is an initial review of every in-custody death within 30 days. The review team at a minimum shall include the facility administrator and/or the ~~facility manager~~ designee, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study.

(b) Death of a Minor

In any case in which a minor dies while detained in a jail, lockup, or court holding facility:

- (1) The administrator of the facility shall provide to the Board a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted within 10 calendar days after the death.
- (2) Upon receipt of a report of death of a minor from the administrator, the Board may within 30 calendar days inspect and evaluate the jail, lockup, or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 5. Classification And Segregation Separation**§ 1050. Classification Plan.**

(a) Each administrator of a temporary holding, Type I, II, or III facility shall develop and implement a written classification plan designed to properly assign ~~inmates~~ incarcerated persons to housing units and activities according to the categories of ~~sex~~ gender identity, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, risk of being sexually abused or sexually harassed, and other criteria which will provide for the safety of the ~~inmates~~ incarcerated people and staff. Such housing unit assignment shall be accomplished to the extent possible within the limits of the available number of distinct housing units or cells in a facility.

The written classification plan shall be based on objective criteria and include receiving screening performed at the time of intake by trained personnel, and a record of each ~~inmate~~ person's classification level, housing restrictions, and housing assignments.

Each administrator of a Type II or III facility shall establish and implement a classification system which will include the use of classification officers or a classification committee in order to properly assign ~~inmates~~ incarcerated persons to housing, work, rehabilitation programs, and leisure activities. Such a plan shall include the use of as much information as is available about ~~the inmate~~ and from the ~~inmate~~ incarcerated person and shall provide

for a channel of appeal by the ~~inmate~~incarcerated person to the facility administrator or designee. ~~An inmate~~Each person who has been sentenced to more than 60 days may request a review of his-their classification plan no more often than 30 days from his-their last review.

(b) Each administrator of a court holding facility shall establish and implement a written plan designed to provide for the safety of staff and ~~inmates~~people held and housed at the facility. The plan shall include receiving and transmitting of information regarding ~~inmates~~incarcerated persons who represent unusual risk or hazard while confined at the facility, and the ~~segregation~~separation of such ~~inmates~~persons to the extent possible within the limits of the court holding facility.

(c) In deciding ~~whether to assign an inmate to a housing area for male or female inmates, and in making other~~ housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the ~~inmate's~~inmate's health and safety of the incarcerated person, and whether the placement would present management or security problems. ~~An inmate's~~A person's own views with respect to his or her-their own safety shall be given serious consideration.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1051. Communicable Diseases.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures specifying those symptoms that require ~~segregation~~medical isolation of an ~~inmate~~incarcerated person until a medical evaluation is completed. At the time of intake into the facility, an inquiry shall be made of the person being booked as to ~~whether or not~~whether he/she/the person has or has had any communicable diseases, such as tuberculosis or has observable symptoms of tuberculosis or any other communicable diseases, or other special medical problem identified by the health authority. The response shall be noted on the medical screening form~~booking form and/or screening device~~.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1052. ~~Mentally Disordered Inmates~~Behavioral Crisis Identification.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures to identify and evaluate all incarcerated people who may be in behavioral crisis. ~~mentally disordered inmates, and~~Evaluation of behavioral crisis may include telehealth. If an evaluation from medical or mental health staff is not readily available, an ~~inmate~~incarcerated person shall be considered in behavioral crisis ~~mentally disordered~~ for the purpose of this section if ~~he or she/they~~ appears to be a danger to himself/herself-themselves or others or if ~~he/she~~ appears gravely disabled. An evaluation from medical or mental health staff shall be secured within 24 hours of identification or at the next daily sick call, whichever is earliest. Separation~~Segregation~~ may be used if necessary, to protect the safety of the person in crisis or ~~inmate~~ or others.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1053. Administrative Segregation Separation.

Except for Type IV facilities, facility administrators shall develop and implement policies and procedures for the administrative separation of incarcerated people.

Policies and procedures must include:

- (a) Administrative separation may consist of separate housing but shall not involve any other deprivation of privileges than is necessary to obtain the objective of protecting the welfare of incarcerated people and facility staff.
- (b) Administrative separation must not adversely affect an incarcerated person's health.
- (c) Administrative separation may be used for incarcerated people who have:
 - (1) A documented history of activity or behavior, or promoting such activity or behavior, that is criminal in nature, disruptive to facility operations, or affects the safety of the facility, other incarcerated people, and facility staff.
 - (2) Influenced or participated in activity that is criminal in nature, disruptive to facility operations or affects the safety of the facility, other incarcerated people, and facility staff.
 - (3) Committed assault, attempted assault, or participated in a conspiracy to assault or harm other incarcerated persons or facility staff.
 - (4) A history of escape or have recently attempted escape.
 - (5) A demonstrated need for protection from other incarcerated people.
- (d) Documentation indicating the necessity of administrative separation to obtain the objective of protecting the welfare of incarcerated people and facility staff.
- (e) A documented individualized ongoing review and evaluation of the need to continue placement in administrative separation.

~~Except in Type IV facilities, each facility administrator shall develop written policies and procedures which provide for the administrative segregation of inmates who are determined to be prone to: promote activity or behavior that is criminal in nature or disruptive to facility operations; demonstrate influence over other inmates, including influence to promote or direct action or behavior that is criminal in nature or disruptive to the safety and security of other inmates or facility staff, as well as to the safe operation of the facility; escape; assault, attempted assault, or participation in a conspiracy to assault or harm other inmates or facility staff; or likely to need protection from other inmates, if such administrative segregation is determined to be necessary in order to obtain the objective of protecting the welfare of inmates and staff. Administrative segregation shall consist of separate and secure housing but shall not involve any other deprivation of privileges than is necessary to obtain the objective of protecting the inmates and staff.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1054. Administrative Removal-Type IV Facility.

In Type IV facilities, the facility administrator shall develop written policies and procedures which provide for the administrative removal of an ~~inmate~~incarcerated person for the safety and well-being of the ~~inmate~~person, the staff, the program, the facility, and/or the general public. Such removal shall be subject to review by the facility administrator or designee on the next business day.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1055. Use of Safety Cell.

The safety cell described in Title 24, Part 2, Section 1231.2.5, shall be used to hold only those ~~inmates~~people who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others. The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures governing safety cell use and may delegate authority to place an ~~inmate~~incarcerated person in a safety cell to a physician. Policies and procedures shall include, but not be limited to:

- (a) In no case shall the safety cell be used for punishment or as a substitute for treatment.
- (b) An ~~inmate~~person shall be placed in a safety cell only with the approval of the facility manager or designee, or responsible health care staff; continued retention shall be reviewed a minimum of every four hours.
- (c) A medical assessment shall be completed as soon as possible, but not more than within a maximum of 12 hours of from the time of placement in the safety cell or at the next daily sick call, whichever is earliest. The ~~inmate~~person shall be medically cleared for continued retention, referral to advanced treatment, or removal from the safety cell a minimum of every 24 hours thereafter.
- (d) The facility manager, designee or responsible health care staff shall obtain a mental health opinion/consultation with responsible health care staff on placement and retention, which shall be secured as soon as possible, but not more than within 12 hours of from placement.
- (e) Direct visual observation shall be conducted at least twice every thirty minutes, with no more than a 15-minute lapse between safety checks. Such observation shall be documented.
- (f) Procedures shall be established to assure administration of necessary nutrition and fluids.
- (g) ~~Inmates~~People placed in the safety cell shall be allowed to retain sufficient clothing, or be provided with a suitably designed "safety garment," to provide for their personal privacy unless specific identifiable risks to the ~~inmate~~person's safety or to the security of the facility are documented.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1056. Use of Sobering Cell.

The sobering cell described in Title 24, Part 2, Section 1231.2.4, shall be used for ~~temporary~~the holding of ~~inmates~~incarcerated people who are a threat to their own safety or the safety of others due to their state of intoxication ~~and pursuant to written policies and procedures developed by the facility administrator.~~ Such ~~inmates~~A person shall be removed from the sobering cell as soon as they are able to continue in the admission processing or are no longer a risk to themselves or others. In no case shall an ~~inmate~~person remain in a sobering cell over six hours without an evaluation by a ~~medical staff person or an evaluation by custody staff~~ to determine whether the person has an urgent medical problem, pursuant to ~~written medical procedures in accordance with section 1213 of these regulations, to determine whether the prisoner has an urgent medical problem.~~ At 12 hours from the time of placement, all ~~inmates~~persons will ~~must~~ receive an evaluation by responsible health care staff. Intermittent direct visual observation of ~~inmates~~people held in the sobering cell shall be conducted no less than every half hour. Such observation shall be documented.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1057. ~~Developmentally Disabilities~~led Inmates.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the identification and evaluation, appropriate classification and housing, protection, and nondiscrimination of all incarcerated persons with developmentally disabilities~~led inmates.~~

The health authority or designee shall contact the regional center ~~on~~for any inmate incarcerated person suspected or confirmed to ~~be~~have a developmentally disabled disability for the purposes of diagnosis ~~and/or~~ treatment within 24 hours of such determination, excluding holidays and weekends.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1058. Use of Restraint Devices.

The facility administrator, in cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of restraint devices. Restraint devices include any devices which immobilize extremities or prevent the incarcerated person from being ambulatory. The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain incarcerated people for security reasons. ~~and~~ The facility manager may delegate authority to place an inmateincarcerated person in restraints to a responsible health care staff. ~~In addition to the areas specifically outlined in this regulation, at a minimum,~~

(a) ~~†~~The policy shall address the following areas:

- (1) acceptable restraint devices;
- (2) signs or symptoms which should result in immediate medical/mental health referral; availability of cardiopulmonary resuscitation equipment;

- (3) protective housing of restrained persons;
- (4) provision for hydration and sanitation needs; and,
- (5) exercising of extremities.

(b) Policy shall also include, but not be limited to, the following requirements:

- (1) In no case shall restraints be used for punishment or as a substitute for treatment.
- (2) Restraint devices shall only be used on inmatesincarcerated people who display behavior which results in the destruction of property or reveal an intent to cause physical harm to self or others. Restraint devices include any devices which immobilize an inmate's extremities and/or prevent the inmate from being ambulatory. Physical restraints
- (3) Restraint devices should be utilizedused only when it appears less restrictive alternatives, would be ineffective in controlling the disordered behaviorincluding verbal de-escalation techniques, have been attempted and are deemed ineffective.
- (4) InmatesAn incarcerated person shall be placed in restraints only with the approval of the facility manager, the facility watch commander, or responsible health care staff; continued retention shall be reviewed a minimum of every hour.
- (5) Continuous direct visual observation shall be maintained until a medical opinion can be obtained.
- (6) A medical opinion on placement and retention shall be secured within one hour from the time of placement.
- (7) A medical assessment shall be completed within four hours of placement.
- (8) Continuous direct visual observation shall be conducted at least twice every thirty minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the incarcerated person. Such observation shall be documented. While in restraint devices all incarcerated persons shall be housed alone or in a specified housing area which makes provisions to protect the person from abuse.
- (9) If the facility manager, or designee, in consultation with responsible health care staff determines that an inmateincarcerated person cannot be safely removed from restraints after eight hours, the inmateperson shall be taken to a medical facility for further evaluation.
- (10) Where applicable, the facility manager shall use the restraint device manufacturer's recommended maximum time limits for placement.
- (11) All events and information related to the placement in restraints shall be documented and shall be video recorded unless exigent circumstances prevent staff from doing so. The documentation shall include: the reason for placement; person authorizing placement; names of staff involved in the placement; injuries sustained; and the duration of placement.

~~Direct visual observation shall be conducted at least twice every thirty minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the inmate. Such observation shall be documented. While in restraint devices all inmates~~

~~shall be housed alone or in a specified housing area for restrained inmates which makes provisions to protect the inmate from abuse.~~

~~The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain inmates for security reasons.~~

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1058.5. Restraints and Pregnant ~~Inmates~~ Persons.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the use of restraint devices on pregnant ~~inmates~~ people. In accordance with Penal Code 3407 the policy shall include reference to the following:

- (1) An incarcerated person ~~inmate~~ known to be pregnant or in recovery after delivery or termination of the pregnancy shall not be restrained by the use of leg ~~iron~~ sensor ~~waist restraints, waist chains, or handcuffs~~ behind the body.
- (2) An incarcerated pregnant inmate ~~person~~ in labor, during delivery, or in recovery after delivery or termination of the pregnancy, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the ~~inmate~~ incarcerated person, the staff, or the public.
- (3) Restraints shall be removed when a professional who is currently responsible for the medical care of an incarcerated pregnant inmate ~~person~~ during a medical emergency, labor, delivery, or recovery after delivery or termination of the pregnancy determines that the removal of restraints is medically necessary.
- (4) Upon confirmation of an ~~inmate's~~ incarcerated person's pregnancy, ~~she~~ they shall be advised, orally or in writing, of the standards and policies governing incarcerated pregnant people ~~inmates~~.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 3407 and 6030, Penal Code.

§ 1059. DNA Collection, Use of Force.

(a) Pursuant to Penal Code Section 298.1, authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect blood specimens, saliva samples, or thumb or palm print impressions from individuals who are required to provide such samples, specimens or impressions pursuant to Penal Code Section 296 and who refuse following written or oral request.

- (1) For the purpose of this regulation, the "use of reasonable force" shall be defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance with this regulation.
- (2) The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented

and include an advisement of the legal obligation to provide the requisite specimen, sample or impression and the consequences of refusal.

(b) The force shall not be used without the prior written authorization of the facility watch commander or designee on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.

(c) If the use of reasonable force includes a cell extraction, the extraction shall be videotaped, including audio. Video shall be directed at the cell extraction event. The videotape shall be retained by the agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively.

Note: Authority cited: Sections 298.1, 6024, and 6030, Penal Code. Reference: Sections 298.1 and 6030, Penal Code.

Article 6. ~~Inmate~~ Programs and Services

§ 1061. ~~Inmate~~ Education Plan.

The facility administrator of any Type II or III facility shall plan and shall request of appropriate public officials an ~~inmate~~ education program for incarcerated persons. When such services are not made available by the appropriate public officials, then the facility administrator shall develop and implement an education program with available resources. Such a plan shall provide for the voluntary academic ~~and/or vocational, or both,~~ education of housed ~~inmates~~ people. Reasonable criteria for program eligibility shall be established. ~~A person may be provided m~~Modified academic or vocational ~~opportunities and an inmate may be excluded or removed~~ may be provided based on sound security practices or a person's failure to abide by facility rules and regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1062. Visiting.

The facility administrator shall develop and implement written policies and procedures which include the following requirements:

- (a) ~~The facility administrator shall develop written policies and procedures for inmate~~ A visiting program which shall provide for:
- (1) as many in-person visits and visitors as facility schedules, space, and number of personnel will allow.
 - (2) A publicly posted schedule of facility visiting hours. If practicable, visiting hours should be made available on weekends, evenings, or holidays.
 - ~~(4)~~(3) _____ For sentenced inmatesincarcerated persons in Type I facilities and all ~~inmates~~incarcerated persons in Type II, III, and IV facilities there shall be allowed no fewer than two visits totaling at least one hour per ~~inmate~~ incarcerated person each week. ~~In Type III and Type IV facilities there shall be allowed one or more visits, totaling at least one hour, per week.~~

~~(2)~~(4) _____ In Type I facilities, the facility administrator shall develop and implement written policies and procedures to allow visiting for non-sentenced detainees. The policies and procedures will include a schedule to assure that non-sentenced detainees will be afforded a visit no later than the calendar day following arrest.

~~(b)~~ Visits may not be cancelled unless a legitimate operational or safety and security concern exists. All cancelled visits must be documented. The facility manager or designee shall regularly review cancelled visits and document such review.

~~(b)~~(c) _____ The visiting policies developed pursuant to this section shall include provision for visitation by minor children of the ~~inmate~~incarcerated person.

~~(e)~~(d) _____ Video visitation may be used to supplement existing visitation programs, but shall not be used to fulfill the requirements of this section if in-person visitation is requested by an ~~inmate~~incarcerated person.

~~(d)~~(e) _____ Facilities shall not charge for visitation when visitors are onsite and participating in either in-person or video visitation. For purposes of this subsection, "onsite" is defined as the location where the ~~inmate~~incarcerated person is housed.

~~(e)~~(f) _____ Subdivision (d) shall not apply to facilities which (1) exclusively used video visitation prior to January 1, 2017 or (2) had been designed without in-person visitation space and conditionally awarded by the Board prior to June 27, 2017, funding authorized by Chapter 3.11 (commencing with Section 15820.90), Chapter 3.12 (commencing with Section 15820.91), Chapter 3.13 (commencing with Section 15820.92), or Chapter 3.131 (commencing with Section 15820.93).

~~(f)~~(g) _____ If a local detention facility offered video visitation only as of January 1, 2017, the first hour of remote video visitation per week shall be offered free of charge.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030 and 4030, Penal Code, and Section 15820.948, Government Code.

§ 1063. Correspondence.

Except in Temporary Holding and Court Holding facilities, ~~the~~ facility administrator shall develop written policies and procedures for ~~inmate~~ correspondence which provide that:

(a) there is no limitation on the volume of mail that an ~~inmate~~incarcerated person may send or receive;

(b) ~~inmate~~an incarcerated person's correspondence may be read when there is a valid security reason and the facility manager or ~~his/her~~ designee approves;

(c) jail staff shall not review ~~inmate~~an incarcerated person's correspondence to or from state and federal courts, any member of the State Bar or holder of public office, and the State Board of State and Community Corrections; however, jail authorities may open and inspect such mail only to search for contraband, cash, checks, or money orders and in the presence of the ~~inmate~~incarcerated person;

- (d) ~~inmates~~ incarcerated persons may correspond, confidentially, with the facility manager or the facility administrator; and,
- (e) those ~~inmates~~ incarcerated persons who are without funds shall be permitted at least ~~two~~ four postage paid envelopes and ~~two~~ eight sheets of paper each week to permit correspondence with family members and friends but without limitation on the number of postage paid envelopes and sheets of paper to ~~his or her~~ their attorney and to the courts.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1064. Library Service.

The facility administrator shall develop written policies and procedures for library service in all Type II, III, and IV facilities. The scope of such service shall be determined by the facility administrator. The library service shall include access to ~~legal reference materials~~ the following resources via paper documents or through electronic media, and include current information on community services and resources, and religious, educational, legal reference material and recreational reading material. In Type IV facilities such a program can be either in-house or provided through access to the community.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1065. Exercise and RecreationOut of Cell Time.

- (a) The facility administrator of a Type II or III facility shall develop written policies and procedures for:
- (1) ~~an exercise and recreation program, in an area designed for recreation~~ exercise, which will allow a minimum of three hours of exercise distributed over a period of seven days. ~~Such regulations as are reasonable and necessary to protect the facility's security and the inmates' welfare shall be included in such a program. In Type IV facilities, such a program can be either in-house or provided through access to the community.~~
 - (2) a recreation program, which will allow an opportunity for seven hours of out of cell time distributed over a period of seven days.

Policies should include reasonable and necessary procedures to ensure safety and security.

- (b) The facility administrator of a Type I facility shall make table games, ~~and/or~~ television, or both, available to ~~inmates~~ incarcerated people.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1066. Books, Newspapers, Periodicals, and Writings.

- (a) The facility administrator of a Type II or III facility shall develop written policies and procedures which will permit ~~inmates~~ incarcerated persons to purchase, receive and read

§ 1068. Access to the Courts and Counsel.

The facility administrator shall develop written policies and procedures to ensure ~~inmates~~incarcerated persons have access to the court and to legal counsel. Such access shall consist of:

- (a) Except in Temporary Holding and Court Holding facilities, unlimited mail as provided in Section 1063 of these regulations, and,
- (b) confidential consultation with attorneys.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1069. Inmate Orientation.

(a) In Type II, III, and IV facilities, the facility administrator shall develop written policies and procedures for the implementation of a program ~~reasonably understandable for to inmates~~people newly admitted to the facility designed to orient a newly received inmate~~them~~ at the time of placement in a living area. Both written and verbal information shall be provided and may be supplemented with video orientation. Provision shall be made to provide accessible orientation information to each person, including those with disabilities, limited literacy, or those with limited English proficiency (LEP). Such a program shall be published and include, but not be limited to, the following:

- (1) correspondence, visiting, and telephone usage rules;
- (2) rules and disciplinary procedures;
- (3) ~~inmate~~ grievance procedures;
- (4) programs and activities available and method of application;
- (5) medical and mental health services;
- (6) classification/housing assignments;
- (7) court appearance where scheduled, if known;
- (8) voting, including registration; and,
- (9) zero tolerance policy against sexual abuse and sexual harassment; ~~and,~~
- (10) availability of personal care items and opportunities for personal hygiene.

(b) In Type I facilities, the facility administrator shall develop written policies and procedures for a program reasonably understandable to non-sentenced detainees to orient ~~an inmate~~them at the time of placement in a living area. Such a program shall be published and include, but not be limited to, the following:

- (1) rules and disciplinary procedures;
- (2) visiting rules;
- (3) availability of personal care items, opportunities for personal hygiene;
- (4) availability of reading and recreational materials; and,
- (5) medical/mental health procedures.

Note: Authority cited: Sections 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1070. Individual/Family Service Programs.

The facility administrator of a Type II, III, or IV facility shall develop written policies and procedures which facilitate cooperation with appropriate public or private agencies for individual ~~and/or~~ family social service programs for ~~inmates~~ incarcerated persons. Such a program shall utilize the services and resources available in the community and may be in the form of a resource guide ~~and/or~~ actual service delivery. The range and source of such services shall be at the discretion of the facility administrator and may include:

- (a) risk and needs assessments;
- (b) best practices in:
 - (1) individual, group ~~and/or~~ family counseling;
 - (2) drug and alcohol abuse counseling;
 - (3) cognitive behavioral interventions;
 - (4) vocational testing and counseling;
 - (5) employment counseling;
 - (6) discharge and reentry planning;
- (c) referral to community resources and programs;
- (d) reentry planning and service development;
- (e) legal assistance;
- (f) regional center services for the developmentally disabled; and,
- (g) community volunteers.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1071. Voting.

The facility administrator of a Type I (holding sentenced ~~inmate~~ incarcerated workers) II, III or IV facility shall develop written policies and procedures whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections, pursuant to election codes.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1072. Religious Observances.

The facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures to provide opportunities for ~~inmates~~ incarcerated persons to participate in religious services, practices and counseling on a voluntary basis.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1073. ~~Inmate~~ Grievance Procedure.

(a) Each administrator of a Type II, III, or IV facility and Type I facilities which hold ~~inmate~~ incarcerated workers shall develop written policies and procedures whereby all

incarcerated persons have the opportunity and ability to submit and any inmate may appeal and have resolved grievances relating to any conditions of confinement, including but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding. Such policies and procedures shall include:

- (1) a grievance form; or
- (2) instructions for registering and appealing a grievance, including relevant deadlines;
- (3) a process for submission and handling of anonymous grievances;
- (4) resolution of the grievance at the lowest appropriate staff level;
- (5) appeal to the next level of review;
- (6) written reasons for denial of grievance at each level of review which acts on the grievance;
- (7) provision for a non-automated initial response within a reasonable time limit which shall not exceed a period of 15 calendar days; and,
- (8) provision for resolving questions of jurisdiction within the facility; and,
- (9) Provision for providing a copy of the grievance, appeal, response, and related documents to the incarcerated person; and,
- (10) The facility manager or designee shall conduct regular review of grievances, responses, and appeals.

(b) Grievance System Abuse:

The facility may establish written policy and procedure to control the submission of an excessive number of grievances.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 7. Discipline

§ 1080. Rules and Disciplinary Penalties Actions.

Wherever discipline is administered, each facility administrator shall establish written rules and disciplinary actions ~~penalties~~ to guide inmate ~~the~~ conduct of incarcerated persons. Such rules and disciplinary actions ~~penalties~~ shall be stated simply and ~~affirmatively, and~~ affirmatively and posted conspicuously in housing units and the booking area or issued to each inmate person upon booking. For those ~~inmates who are illiterate or individuals with limited literacy, who are~~ unable to read English, and for persons with disabilities, provision shall be made for the jail staff to instruct them verbally or provide them with material in an understandable form regarding jail rules and disciplinary procedures and actions ~~penalties~~.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1081. Plan for Inmate Discipline of Incarcerated Persons.

Each facility administrator shall develop written policies and procedures for inmate discipline of incarcerated persons. The plan shall include, but not be limited to, the following elements:

- (a) Temporary Loss of Privileges: For minor acts of non-conformance or minor violations of facility rules, staff may impose a temporary loss of privileges, such as access to television, telephones, commissary, or lockdown for less than 24 hours, provided there is written documentation and supervisory approval.
- (b) Punitive Disciplinary Actions: Major violations of facility rules or repetitive minor acts of non-conformance or repetitive minor violations of facility rules shall be reported in writing by the staff member observing the act and submitted to the disciplinary officer. The consequences of such violations may include, but are not limited to:
 1. Loss of good time/work time.
 2. ~~Placement in disciplinary separation.~~
 3. ~~Disciplinary separation diet.~~
 4. ~~Loss of privileges mandated by regulations.~~

A staff member with investigative and punitive disciplinary authority shall be designated as a disciplinary officer to impose such consequences. Staff shall not participate in disciplinary review if they are involved in the charges.

Such charges pending against an inmate incarcerated person shall be acted on with the following provisions and within specified timeframes:

1. A copy of the report, ~~and/or~~ a separate written notice of the violation(s), shall be provided to the inmate incarcerated person.
2. Unless declined by the inmate incarcerated person, a hearing shall be provided no sooner than 24 hours after the report has been submitted to the disciplinary officer and the inmate incarcerated person has been informed of the charges in writing. The hearing may be postponed or continued for a reasonable time through a written waiver by the inmate incarcerated person, or for good cause.
3. The inmate incarcerated person shall be permitted to appear on his/her/their own behalf at the time of hearing and present witnesses and documentary evidence. The inmate incarcerated person shall have access to staff or ~~inmate~~ assistance when the ~~inmate is illiterate~~ they have limited literacy, or the issues are complex.

4. A charge(s) shall be acted on no later than 72 hours after an inmate incarcerated person has been informed of the charge(s) in writing.
5. Subsequent to final disposition of disciplinary charges by the disciplinary officer, the charges and the action taken shall be reviewed by the facility manager or designee.
6. The inmate incarcerated person shall be advised in a written statement by the fact-finders about the evidence relied on and the reasons for the disciplinary action. A copy of the record shall be kept pursuant to Penal Code Section 4019.5.
7. There shall be a policy of review and appeal to a supervisor on all disciplinary action.

(c) Nothing in this section precludes a facility administrator from administratively ~~segregating~~ separating any inmate incarcerated person from the general population or program for reasons of personal, mental, or physical health, or under any circumstance in which the safety of the inmates person, staff, program, or community is endangered, pending disciplinary action or a review as required by Section 1053 of these regulations.

(d) Nothing in this section precludes the imposition of conditions or restrictions that reasonably relate to a legitimate, non-punitive administrative purpose.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Sections 4019.5 and 6030, Penal Code.

§ 1082. Forms of Discipline.

The degree of ~~punitive~~ actions taken by the disciplinary officer shall be directly related to the severity of the rule infraction and promotion of desired behavior through a progressive disciplinary process. Acceptable forms of discipline shall consist of, but not be limited to, the following:

- (a) Loss of privileges.
- (b) Extra work detail.
- (c) Short term lockdown for less than 24 hours.
- (d) Removal from work details.
- (e) Forfeiture of "good time" credits earned under Penal Code Section 4019.
- (f) Forfeiture of "work time" credits earned under Penal Code Section 4019.
- (g) Disciplinary separation.
- ~~(h) Disciplinary separation diet.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1083. Limitations on Disciplinary Actions.

The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment. Disciplinary actions shall not include corporal punishment, group punishment when feasible, and/or physical or psychological degradation.

Additionally, there shall be the following limitations:

(a) Disciplinary separation shall be considered an option of last resort and as a response to the most serious and threatening behavior, for the shortest time possible, and with the least restrictive conditions possible.

(1) If an ~~inmate~~person is on disciplinary separation status for 30 consecutive days there shall be a review by the facility manager before the disciplinary separation status is continued. This review shall include a consultation with health care staff. Such reviews shall continue at least every fifteen days thereafter until the disciplinary status has ended. This review shall be documented.

(2) The disciplinary separation cells or cell shall have the minimum furnishings and space specified in Title 24, Part 2, 1231.2.6 and 2.7. Occupants shall be issued clothing and bedding as specified in Articles 13 and 14 of these regulations and shall not be deprived of them through any portion of the day except that those ~~inmates~~incarcerated persons who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive ~~inmates~~a person of such articles of clothing and bedding shall be reviewed by the facility manager or designee during each 24 hour period.

~~(2)~~(3) If after placement in separation, mental health or medical staff determine that an individual has serious mental illness or an intellectual disability, they shall be removed from disciplinary separation immediately upon this determination.

~~(a)~~(b) Penal Code Section 4019.5 expressly prohibits the delegation of authority to any ~~inmate~~incarcerated person or group of ~~inmates~~incarcerated people to exercise the right of punishment over any other ~~inmate~~incarcerated person or group of ~~inmates~~incarcerated people.

~~(b)~~(c) In no case shall a safety cell, as specified in Title 24, Part 2, 1231.2.5, or any restraint device be used for disciplinary purposes.

~~(c)~~(d) No ~~inmate~~incarcerated person may be deprived of the implements necessary to maintain an acceptable level of personal hygiene as specified in Section 1265 of these regulations.

~~(d)~~(e) Food shall not be withheld as a disciplinary measure.

~~(e)~~ The disciplinary separation diet described in section 1247 of these regulations shall only be utilized for major violations of institutional rules.

~~(1)~~ In addition to the provisions of Section 1247, the facility manager shall approve the initial placement on the disciplinary separation diet and ensure that medical staff is notified.

~~(2)~~ In consultation with medical care staff, the facility manager shall approve any continuation on that diet every 72 hours after the initial placement.

- (f) Correspondence privileges shall not be withheld except in cases where the inmate incarcerated person has violated correspondence regulations, in which case correspondence may be suspended for no longer than 72 hours, without the review and approval of the facility manager.
- (g) In no case shall access to courts and legal counsel be suspended as a disciplinary measure.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1084. Disciplinary Records.

Penal Code Section 4019.5 requires that a record is kept of all disciplinary ~~infractions and punishment actions~~ administered therefore. This requirement may be satisfied by retaining copies of rule violation reports and report of the disposition of each.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 8. Minors in Jails

§ 1101. Restrictions on Contact with Incarcerated Adults ~~Prisoners~~.

The facility administrator shall establish policies and procedures to restrict sight and sound contact, as defined in Section 1006, between detained minors and adults confined in the facility. The policies and procedures should consider trauma-informed approaches in protecting minors from contact.

In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of inmates incarcerated people) shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact.

The above restrictions do not apply to minors who are participating in supervised program activities pursuant to Section 208 (c) of the Welfare and Institutions Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1102. Classification.

The facility administrator shall develop and implement a written plan designed to provide for the safety of staff and minors held at the facility. The plan shall include the following:

- (a) a procedure for receiving and transmitting information regarding minors who present a risk or hazard to self or others while confined at the facility, and the segregation separation of such minors to the extent possible within the limits of the facility.
- (b) a procedure to provide care for any minor who appears to be in need of or who requests medical, mental health, or developmental disability treatment. Written

- procedures shall be established by the responsible health administrator in cooperation with the facility administrator.
- (c) a suicide prevention program designed to identify, monitor, and provide treatment to those minors who present a suicide risk.
 - (d) provide that minors be housed separately from adults and not be allowed to come or remain in contact with adults except as provided in Sections 208(c) of the Welfare and Institutions Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1104. Supervision of Minors.

The facility administrator shall develop and implement policy and procedures that provide for:

- (a) continuous around-the-clock supervision of minors with assurance that staff can hear and respond; and,
- (b) safety checks of minors at least once every 30 minutes. These safety checks shall include the direct visual observation of movement and/or skin. Safety checks shall not be replaced, but may be supplemented by, an audio/visual electronic surveillance system designed to detect overt, aggressive, or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1105. Recreation Programs.

The facility administrator shall develop written policies and procedures to provide a recreation program that shall protect the welfare of minors and ~~other incarcerated adults inmates~~, recognize facility security needs and comply with minimum jail standards for recreation (California Code of Regulations, Title 15, Section 1065).

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1106. Disciplinary Procedures.

Nothing in this regulation shall prevent the administrator from removing a detained minor from the general population or program for reasons of the minor's mental or physical health; or under any circumstances in which the safety of the minor, ~~other incarcerated adults inmates~~, staff, the program or community is endangered, pending a disciplinary action or review. With the exceptions noted below, the provisions of Sections 1080-1084 shall apply when a minor is involved in disciplinary actions.

- (a) ~~Minors requiring disciplinary confinement shall be housed only in living areas designated for the detention of minors~~ Pursuant to Welfare and Institutions Code

Section 208.3, minors may not be placed in room confinement for disciplinary purposes.

- (b) Permitted forms of discipline include:
- (1) temporary loss of privileges; and,
 - (2) loss of privileges mandated by applicable regulations~~disciplinary confinement.~~
- (c) Access to visitation and recreation shall be restricted only after a second level review by a supervisor or manager, and shall not extend beyond five days without subsequent review.
- ~~(d) A status review shall be conducted for those minors placed in disciplinary confinement no less than every 24 hours.~~
- ~~(e)~~(d) Prohibited forms of discipline include:
- (1) discipline that does not fit the violation;
 - (2) corporal punishment;
 - (3) ~~inmate imposed discipline~~ imposed by incarcerated persons;
 - (4) placement in safety cells, sobering cells, or any other cell not specifically designated for the detention of minors;
 - (5) deprivation of food; and,
 - (6) room confinement; and,
 - ~~(6) the adult disciplinary diet.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code; and Section 208.3, Welfare and Institutions Code.

§ 1122. Reproductive Information and Services for Minors in Jails.

The health administrator, in cooperation with the facility administrator, shall develop written policies and procedures to assure that reproductive health services are available to ~~both male and female~~ minors in jails.

Such services shall include, but not be limited to, those prescribed by Welfare and Institutions Code Sections 220, 221 and 222 and Health and Safety Code Section 123450.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1122.5. Pregnant Minors

- (a) The health administrator, in cooperation with the facility administrator, shall develop written policies and procedures pertaining to pregnant minors that address the requirements in Title 15, Section 1417.
- (b) The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the use of restraint devices on pregnant minors. The policy shall address requirements of Penal Code 3407. Policy shall include reference to the following:

- (1) A minor known to be pregnant or in recovery after delivery or termination of the pregnancy shall not be restrained by the use of leg or waist restraints~~irons, waist chains,~~ or handcuffs behind the body.
- (2) A pregnant minor in labor, during delivery, or in recovery after delivery or termination of the pregnancy, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the minor, the staff, or the public.
- (3) Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant minor during a medical emergency, labor, delivery, or recovery after delivery or termination of the pregnancy determines that the removal of restraints is medically necessary.
- (4) Upon confirmation of a minor's pregnancy, ~~she~~they shall be advised, orally or in writing, of the standards and policies governing pregnant minors.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 3407 and 6030, Penal Code.

Article 9. Minors in Temporary Custody in a Law Enforcement Facility

§ 1143. Care of Minors in Temporary Custody.

(a) The following shall be made available to all minors held in temporary custody:

- (1) access to toilets and washing facilities;
- (2) one snack ~~upon request~~ during term of temporary custody if the minor has not eaten within the past four (4) hours or is otherwise in need of appropriate nourishment;
- (3) access to drinking water;
- (4) access to language services;
- (5) access to disabilities services;
- ~~(3)~~(6) sanitary napkins, panty liners, and tampons as requested;
- ~~(4)~~(7) privacy during consultation with family, guardian, and/or lawyer;
- ~~(5)~~(8) blankets and clothing, as necessary, to assure the comfort of the minor;
and,
- ~~(6)~~(9) his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.

(b) Upon entry, the minor shall be informed in writing of what is available under this section, and it shall be posted in at least one conspicuous place to which minors have access.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1144. Contact Between Minors and Incarcerated Adults Prisoners.

The facility administrator shall establish policies and procedures to restrict contact, as defined in Section 1006, between minors and adults confined in the facility. In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of ~~inmates~~ incarcerated people) shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.
Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1145. Decision on Secure Custody.

A minor who is taken into temporary custody by a peace officer on the basis that ~~he or she is~~ they are a person described by Section 602 of the Welfare and Institutions Code may be held in secure custody in a law enforcement facility that contains a lockup for adults if the minor is 14 years of age or older and if, in the reasonable belief of the peace officer, the minor presents a serious security risk of harm to self or others, as long as all other conditions of secure custody set forth in these standards are met. Any minor in temporary custody who is less than 14 years of age, or who does not in the reasonable belief of the peace officer present a serious security risk of harm to self or others, shall not be placed in secure custody, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody set forth in these standards are met.

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:

- (a) age, maturity, and delinquent history of the minor;
- (b) severity of the offense(s) for which the minor was taken into custody;
- (c) minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;
- (d) the availability of staff to provide adequate supervision or protection of the minor; and,
- (e) the age, type, and number of other individuals who are detained in the facility.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.
Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

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

(a) Minors shall receive adequate supervision which, at a minimum, includes:

- (1) constant auditory access to staff by the minor; and,
- (2) safety checks, as defined in Section 1006, of the minor by staff of the law enforcement facility, at least once every 30 minutes, which shall be documented.

(b) ~~Males and females~~ Minors of different genders shall not be placed in the same locked room unless under constant direct visual observation by staff of the law enforcement facility.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1149. Criteria for Non-Secure Custody.

Minors held in temporary custody, who do not meet the criteria for secure custody as specified in Section 207.1(d~~b~~) of the Welfare and Institutions Code, may be held in non-secure custody to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for transfer of the minor to an appropriate juvenile facility. While minors are held in temporary non-secure custody the provisions of Section 1143 apply.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

§ 1151. Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody.

Facility administrators shall develop policies and procedures providing that a medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves, prior to secure or non-secure custody of that minor.

Supervision of minors in secure custody in a locked room ~~who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance~~ shall include safety checks at least once every 15 minutes until resolution of the intoxicated state or release. These safety checks shall be documented, with actual time of occurrence recorded.

Supervision of minors in secure custody outside of a locked room ~~who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance~~ shall be supervised in accordance with Section 1148.

Supervision of minors in nonsecure custody ~~who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance~~ shall be supervised in accordance with Section 1150.

Note: Authority cited: Sections 6024 and 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

Article 10. Minors in Court Holding Facilities

§ 1161. Conditions of Detention.

Court holding facilities shall be designed to provide the following:

- (a) Separation of minors from adults in accordance with Section 208 of the Welfare and Institutions Code.
- (b) ~~Segregation~~Separation of minors in accordance with an established classification plan.
- (c) Secure non-public access, movement within and egress. If the same entrance/exit is used by both minors and adults, movements shall be scheduled in such a manner that there is no opportunity for contact.

An existing court holding facility built in accordance with construction standards at the time of construction shall be considered as being in compliance with this article unless the condition of the structure is determined by the appropriate authority to be dangerous to life, health, or welfare of minors. Upon notification of noncompliance with this section, the facility administrator shall develop and submit a plan for corrective action to the Board within 90 days.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1162. Supervision of Minors.

A sufficient number of personnel shall be employed in each facility to permit unscheduled safety checks of all minors at least twice every 30 minutes, and to ensure the implementation and operation of the activities required by these regulations. There shall be a written plan that includes the documentation and review of safety checks.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1163. Classification.

The administrator of a court holding facility shall establish and implement a written plan designed to provide for the safety of staff and minors held at the facility. The plan shall include receiving and transmitting of information regarding minors who represent a risk or hazard to self or others while confined at the facility, and the ~~segregation~~separation of such minors to the extent possible within the limits of the court holding facility, and for the separation of minors from any adults confined there ~~inmate(s)~~ as required by Section 208 of the Welfare and Institutions Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 11. Medical/Mental Health Services

§ 1200. Responsibility for Health Care Services.

(a) In Type I, II, III and IV facilities, the facility administrator shall have the responsibility to ensure provision of emergency and basic health care services to all ~~inmates~~incarcerated persons. Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible ~~physician~~qualified health care

professionals, dentist, and psychiatrist or psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel.

Each facility shall have at least one physician available to treat physical disorders. In Type IV facilities, compliance may be attained by providing access into the community; however, in such cases, there shall be a written plan for the treatment, transfer, or referral in the event of an emergency.

(b) In court holding and temporary holding facilities, the facility administrator shall have the responsibility to develop written policies and procedures which ensure provision of emergency health care services to all ~~inmates~~ incarcerated persons.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1205. Health Care Records.

(a) The health authority shall maintain individual, complete and dated health records in compliance with state statute to include, but not be limited to:

- (1) receiving screening form/history;
- (2) health evaluation reports;
- (3) complaints of illness or injury;
- (4) names of personnel who treat, prescribe, and/or administer/deliver prescription medication;
- (5) location where treated; and,
- (6) medication records in conformance with section 1216.

(b) The physician/patient confidentiality privilege applies to the health care record. Access to the health record shall be controlled by the health authority or designee.

The health authority shall ensure the confidentiality of each ~~inmate~~ incarcerated person's health care record file (paper or electronic) and such files shall be maintained separately from and in no way be part of the ~~inmate~~ person's other jail records. Within the provisions of HIPAA 45 C.F.R., Section 164.512(k)(5)(i), the responsible physician or designee shall communicate information obtained in the course of health screening and care to jail authorities when necessary for the protection of the welfare of the ~~inmate~~ incarcerated person or others, management of the jail, or maintenance of jail security and order.

(c) Written authorization by the ~~inmate~~ incarcerated person is necessary for transfer of health care record information unless otherwise provided by law or administrative regulations having the force and effect of law.

(d) ~~Inmates~~ incarcerated persons shall not be used for health care recordkeeping.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1206. Health Care Procedures Manual.

The health authority shall, in cooperation with the facility administrator, set forth in writing, policies and procedures in conformance with applicable state and federal law, which are reviewed and updated at least every two years and include but are not limited to:

- (a) summoning and application of proper medical aid;
- (b) contact and consultation with other treating health care professionals;
- (c) emergency and non-emergency medical and dental services, including transportation;
- (d) provision for medically required dental and medical prostheses and eyeglasses;
- (e) notification of next of kin or legal guardian in case of serious illness which may result in death;
- (f) provision for screening and care of pregnant and lactating ~~women~~people, including prenatal and postpartum information and health care, including but not limited to access to necessary vitamins as recommended by a doctor, information pertaining to childbirth education and infant care;
- (g) screening, referral, and care of incarcerated persons who may be mentally disordered in behavioral crisis and/or have developmental disabilities~~ly disabled inmates~~;
- (h) implementation of special medical programs;
- (i) management of ~~inmates~~incarcerated persons suspected of or confirmed to have communicable diseases;
- (j) the procurement, storage, repackaging, labeling, dispensing, administration/delivery to ~~inmates~~incarcerated persons, and disposal of pharmaceuticals;
- (k) use of non-physician personnel in providing medical care;
- (l) provision of medical diets;
- (m) patient confidentiality and its exceptions;
- (n) the transfer of pertinent individualized health care information, or individual documentation that no health care information is available, to the health authority of another correctional system, medical facility, or mental health facility at the time each ~~inmate~~incarcerated person is transferred and prior notification pursuant to Health and Safety Code Sections 121361 and 121362 for ~~inmates~~incarcerated persons with known or suspected active tuberculosis disease. Procedures for notification to the transferring health care staff shall allow sufficient time to prepare the summary. The summary information shall identify the sending facility and be in a consistent format that includes the need for follow-up care, diagnostic tests performed, medications prescribed, pending appointments, significant health problems, and other information that is necessary to

provide for continuity of health care. Necessary ~~inmate~~ medication and health care information shall be provided to the transporting staff, together with precautions necessary to protect staff and ~~inmate~~incarcerated passengers from disease transmission during transport;

(o) forensic medical services, including drawing of blood alcohol samples, body cavity searches, and other functions for the purpose of prosecution shall not be performed by medical personnel responsible for providing ongoing care to ~~the inmates~~incarcerated people;

(p) provisions for application and removal of restraints on pregnant ~~inmates~~people consistent with Penal Code Section 3407;

(q) other Services mandated by statute; and,

(r) provisions for timely and appropriate medical and mental health screenings, access to medical and mental health services within seven days of request, and no-cost access to contraception and STD treatment, for ~~inmates~~incarcerated persons who have reported sexual abuse or sexual harassment, regardless of the location where the incident(s) occurred.

Note: Authority cited: Sections 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1206.5. Management of Communicable Diseases in a Custody Setting.

(a) The responsible physician, in conjunction with the facility administrator and the county health officer, shall develop a written plan to address the identification, treatment, control and follow-up management of tuberculosis and other communicable diseases. The plan shall cover the intake screening procedures, identification of relevant symptoms, referral for a medical evaluation, treatment responsibilities during incarceration and coordination with public health officials for follow-up treatment in the community. The plan shall reflect the current local incidence of communicable diseases which threaten the health of ~~inmates~~incarcerated people and staff.

(b) Consistent with the above plan, the health authority shall, in cooperation with the facility administrator and the county health officer, set forth in writing, policies and procedures in conformance with applicable state and federal law, which include, but are not limited to:

- (1) the types of communicable diseases to be reported;
- (2) the persons who shall receive the medical reports;
- (3) sharing of medical information with ~~inmates~~incarcerated persons and custody staff;
- (4) medical procedures required to identify the presence of disease(s) and lessen the risk of exposure to others;
- (5) medical confidentiality requirements;
- (6) housing considerations based upon behavior, medical needs, and safety of the affected ~~inmates~~incarcerated persons;

- (7) provisions for ~~inmate~~ consent by an incarcerated person that address the limits of confidentiality; and,
- (8) reporting and appropriate action upon the possible exposure of custody staff to a communicable disease.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, 7501, and 7552, Penal Code.

§ 1207. Medical Receiving Screening.

~~With the exception of inmates transferred directly within a custody system with documented receiving screening, a~~ screening shall be completed on all ~~inmates~~ incarcerated persons at the time of intake. This screening shall be completed in accordance with written procedures and shall include but not be limited to medical and mental health problems, developmental disabilities, ~~tuberculosis and other~~ communicable diseases. The screening shall be performed by licensed health personnel or trained facility staff, with documentation of staff training regarding site specific forms with appropriate disposition based on responses to questions and observations made at the time of screening. The training depends on the role staff are expected to play in the receiving screening process.

The facility administrator and responsible physician shall develop a written plan for complying with Penal Code Section 2656 (orthopedic or prosthetic appliance used by ~~inmates~~ incarcerated persons).

There shall be a written plan to provide care for any ~~inmate~~ incarcerated person who appears at this screening to be in need of or who requests medical, mental health, or developmental disability treatment.

Written procedures and screening protocol shall be established by the responsible physician in cooperation with the facility administrator.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 2656 and 6030, Penal Code.

§ 1207.5. Special Mental Disorder Behavioral Health Assessment.

An additional mental health screening will be performed, according to written procedures, on ~~women~~ incarcerated persons who have given birth within the past year and are charged with murder or attempted murder of their infants. Such screening will be performed at intake and if the assessment indicates postpartum psychosis a referral for further evaluation will be made.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1208. Access to Treatment.

The health authority, in cooperation with the facility administrator, shall develop a written plan for identifying and/or referring any ~~inmate~~ incarcerated person who appears to be in

need of medical, mental health, dental, or developmental disability treatment at any time during ~~his/her~~ their incarceration subsequent to the receiving screening. The written plan shall also include the assessment and treatment of such ~~inmates~~ persons as described in Section 1207, Medical Receiving Screening. Assessment and treatment shall be performed by either licensed health personnel or by persons operating under the authority and/or direction of licensed health personnel.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1208.5. Health Care Maintenance.

For ~~inmates~~ people undergoing prolonged incarceration, an age appropriate and risk factor-~~based~~ health maintenance visit shall take place within the ~~inmate's~~ person's second ~~year anniversary~~ of incarceration. The specific components of the health maintenance examinations shall be determined by the responsible physician based on the age, gender, and health ~~of the inmate~~. Thereafter, the health maintenance examinations shall be repeated at reasonable intervals, but not to exceed one year, as determined by the responsible physician.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1209. Mental Health Services and Transfer to Treatment Facility.

(a) The health authority, in cooperation with the mental health director and facility administrator, shall establish policies and procedures to provide mental health services. These services shall include but not be limited to:

1. Identification and referral of ~~inmates~~ incarcerated persons with mental health needs;
2. Mental health treatment programs provided by qualified staff, including the use of telehealth;
3. Crisis intervention services;
4. Basic mental health services provided to ~~inmates~~ incarcerated persons as clinically indicated;
5. Medication support services;
6. The provision of health services sufficiently coordinated such that care is appropriately integrated, medical and mental health needs are met, and the impact of any of these conditions on each other is adequately addressed.

(b) Unless the county has elected to implement the provisions of Penal Code Section 1369.1, a mentally disordered ~~inmate~~ incarcerated person who appears to be a danger to ~~himself~~ themselves or others, or to be gravely disabled, shall be transferred for further evaluation to a designated Lanterman Petris Short treatment facility designated by the county and approved by the State Department of ~~Mental Health~~ Health Care Services for diagnosis and treatment of such apparent mental disorder pursuant to Penal Code section 4011.6 or 4011.8 unless the jail contains a designated Lanterman Petris Short treatment facility. Prior to the transfer, the ~~inmate~~ person may be evaluated by licensed health personnel to determine if treatment can be initiated at the correctional facility. Licensed health personnel may perform an onsite assessment to determine if the ~~inmate~~ person

meets the criteria for admission to an inpatient facility, or if treatment can be initiated in the correctional facility.

(c) If the county elects to implement the provisions of Penal Code Section 1369.1, the health authority, in cooperation with the facility administrator, shall establish policies and procedures for involuntary administration of medications. The procedures shall include, but not be limited to:

1. Designation of licensed personnel, including psychiatrist and nursing staff, authorized to order and administer involuntary medication;
2. Designation of an appropriate setting where the involuntary administration of medication will occur;
3. Designation of restraint procedures and/or devices that may be used to maintain the safety of the inmate incarcerated person and facility staff;
4. Development of a written plan to monitor the inmate incarcerated person's medical condition following the initial involuntary administration of a medication, until the inmate person is cleared as a result of an evaluation by, or consultation with, a psychiatrist;
5. Development of a written plan to provide a minimum level of ongoing monitoring of the inmate incarcerated person following return to facility housing. This monitoring may be performed by custody staff trained to recognize signs of possible medical problems and alert medical staff when indicated; and
6. Documentation of the administration of involuntary medication in the inmate incarcerated person's medical record.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1210. Individualized Treatment Plans.

(a) For each inmate person treated by a mental health service in a jail, the responsible mental health care provider shall develop a written treatment plan. The custody staff shall be informed of the treatment plan when necessary, to ensure coordination and cooperation in the ongoing care of the inmate incarcerated person. This treatment plan shall include referral to treatment after release from the facility when recommended by treatment staff.

(b) For each inmate person treated for health conditions for which additional treatment, special accommodations and/or a schedule of follow-up care is/are needed during the period of incarceration, responsible health care staff shall develop a written treatment plan. The custody staff shall be informed of the treatment plan when necessary, to ensure coordination and cooperation in the ongoing care of the inmate incarcerated person. This treatment plan shall include referral to treatment after release from the facility when recommended by treatment staff.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1211. Sick Call.

~~There shall be written policies and procedures developed by t~~The facility administrator, in cooperation with the health authority, shall develop written policies and procedures, which provides for a daily sick call conducted for all inmates incarcerated persons or provision made that any inmate incarcerated person requesting medical/mental health attention be given such attention.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1212. Vermin Control.

The responsible physician shall develop a written plan for the control and treatment of incarcerated persons who are found to be vermin-infested inmates. There shall be written, medical protocols, signed by the responsible physician, for the treatment of persons suspected of being infested or having contact with a vermin-infested inmate incarcerated person.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1213. Detoxification Treatment.

The responsible physician shall develop written medical policies on detoxification which shall include a statement as to whether detoxification will be provided within the facility or require transfer to a licensed medical facility. The facility detoxification protocol shall include procedures and symptoms necessitating immediate transfer to a hospital or other medical facility.

Facilities without medically licensed personnel in attendance shall not retain inmates incarcerated people undergoing withdrawal reactions judged or defined in policy, by the responsible physician, as not being readily controllable with available medical treatment. Such facilities shall arrange for immediate transfer to an appropriate medical facility.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1214. Informed Consent.

The health authority shall set forth in writing a plan for informed consent of inmates incarcerated persons in a language understood by the inmate incarcerated person. Except for emergency treatment, as defined in Business and Professions Code Section 2397 and Title 15, Section 1217, all examinations, treatments and procedures affected by informed consent standards in the community are likewise observed for inmate care of incarcerated people. In the case of minors, or conservatees, the informed consent of parent, guardian or legal custodian applies where required by law. Any inmate incarcerated person who has not been adjudicated to be incompetent may refuse non-emergency medical and mental health care. Absent informed consent in non-emergency situations, a court order is required before involuntary medical treatment can be administered to an inmate incarcerated person.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1215. Dental Care.

The facility administrator shall develop written policies and procedures to ensure emergency and medically required dental care is provided to each inmate incarcerated person, upon request, under the direction and supervision of a dentist, licensed in the state.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1216. Pharmaceutical Management.

(a) The health authority in consultation with a pharmacist and the facility administrator, shall develop written plans, establish procedures, and provide space and accessories for the secure storage, the controlled administration, and disposal of all legally obtained drugs. Such plans, procedures, space and accessories shall include, but not be limited to, the following:

- (1) securely lockable cabinets, closets, and refrigeration units;
- (2) a means for the positive identification of the recipient of the prescribed medication;
- (3) procedures for administration/delivery of medicines to inmates incarcerated persons as prescribed;
- (4) confirming that the recipient has ingested the medication or accounting for medication under self-administration procedures outlined in Section 1216(d);
- (5) that prescribed medications have or have not been administered, by whom, and if not, for what reason;
- (6) prohibiting the delivery of drugs by inmates incarcerated people;
- (7) limitation to the length of time medication may be administered without further medical evaluation; and,
- (8) limitation to the length of time required for a physician's signature on verbal orders.
- (9) A written report shall be prepared by a pharmacist, no less than annually, on the status of pharmacy services in the institution. The pharmacist shall provide the report to the health authority and the facility administrator.

(b) Consistent with pharmacy laws and regulations, the health authority shall establish written protocols that limit the following functions to being performed by the identified personnel:

- (1) Procurement shall be done by a physician, dentist, pharmacist, or other persons authorized by law.
- (2) Storage of medications shall assure that stock supplies of legend medications shall be accessed only by licensed health personnel. Supplies of legend

medications that have been dispensed and supplies of over-the-counter medications may be accessed by either licensed or non-licensed personnel.

- (3) Repackaging shall only be done by a physician, dentist, pharmacist, or other persons authorized by law.
- (4) Preparation of labels can only be done by a physician, dentist, pharmacist or other persons, either licensed or non-licensed, provided the label is checked and affixed to the medication container by the physician, dentist, or pharmacist before administration or delivery to the ~~inmate~~incarcerated person. Labels shall be prepared in accordance with section 4076, Business and Professions Code.
- (5) Dispensing shall only be done by a physician, dentist, pharmacist, or persons authorized by law.
- (6) Administration of medication shall only be done by licensed health personnel who are authorized to administer medication acting on the order of a prescriber.
- (7) Delivery of medication may be done by either licensed or non-licensed personnel, e.g., custody staff, acting on the order of a prescriber.
- (8) Disposal of legend medication shall be done in accordance with pharmacy laws and regulations and requires any combination of two of the following classifications: physician, dentist, pharmacist, or registered nurse. Controlled substances shall be disposed of in accordance with the Drug Enforcement Administration disposal procedures.

(c) Policy and procedures on “over-the-counter” medications shall include, but not be limited to, how they are made available, documentation when delivered by staff and precautions against hoarding large quantities.

(d) Policy and procedures may allow ~~inmate~~ self-administration of prescribed medications under limited circumstances. Policies and procedures shall include but are not limited to the following considerations:

- (1) Medications permitted for self-administration are limited to those with no recognized abuse potential. Medications for treatment of tuberculosis, psychotropic medication, controlled substances, injectables and any medications for which documentation of ingestion is essential are excluded from self-administration.
- (2) ~~Inmates~~Incarcerated persons with histories of frequent rule violations of any type, or who are found to be in violation of rules regarding self-administration, are excluded from self-administration.
- (3) Prescribing health care staff document that each ~~inmate~~incarcerated person participating in self-administration is capable of understanding and following the rules of the program and instructions for medication use.
- (4) Provisions are made for the secure storage of the prescribed medication when it is not on the ~~inmate's~~incarcerated inmate's person.
- (5) Provisions are made for the consistent enforcement of self-medication rules by both custody and health care staff, with systems of communication among them when either one finds that an ~~inmate~~incarcerated person is in violation of rules regarding self-administration.

- (6) Provisions are made for health care staff to perform documented assessments of inmate incarcerated person's compliance with self-administration medication regimens. Compliance evaluations are done with sufficient frequency to guard against hoarding medication and deterioration of the inmate person's health.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1217. Psychotropic Medications.

The responsible physician, in cooperation with the facility administrator, shall develop written policies and procedures governing the use of psychotropic medications. An inmate incarcerated person found by a physician to be a danger to ~~him/herself~~ themselves or others by reason of mental disorders may be involuntarily given psychotropic medication appropriate to the illness on an emergency basis. Psychotropic medication is any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders. An emergency is a situation in which action to impose treatment over the inmate incarcerated person's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the inmate incarcerated person or others, and it is impracticable to first gain consent. It is not necessary for harm to take place prior to treatment.

If psychotropic medication is administered during an emergency, such medication shall be only that which is required to treat the emergency condition. The medication shall be prescribed by a physician following a clinical evaluation. The responsible physician shall develop a protocol for the supervision and monitoring of inmates incarcerated persons involuntarily receiving psychotropic medication.

Psychotropic medication shall not be administered to an inmate incarcerated person absent an emergency unless the inmate person has given ~~his or her~~ informed consent in accordance with Welfare and Institutions Code Section 5326.2, or has been found to lack the capacity to give informed consent consistent with the county's hearing procedures under the Lanterman-Petris-Short Act for handling capacity determinations and subsequent reviews.

There shall be a policy which limits the length of time both voluntary and involuntary psychotropic medications may be administered and a plan of monitoring and re-evaluating all inmates incarcerated people receiving psychotropic medications, including a review of all emergency situations.

The administration of psychotropic medication is not allowed for disciplinary reasons.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1230. Food Handlers.

The responsible physician, in cooperation with the food services manager and the facility administrator, shall develop written procedures for medical screening of inmate

incarcerated food service workers prior to working in the facility kitchen. Additionally, there shall be written procedures for education and ongoing monitoring and cleanliness of these workers in accordance with standards set forth in Health and Safety Code, California Retail Food Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 12. Food

§ 1240. Frequency of Serving.

In Temporary Holding, Type I, II, and III facilities, and those Type IV facilities where food is served, food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Supplemental food must be served to ~~inmates~~incarcerated persons if more than 14 hours pass between evening and morning meals. Additionally, supplemental food must be served to ~~inmates~~people on medical diets in less than a ~~14-hour~~the time period outlined above, if prescribed by the responsible physician.

A minimum of fifteen minutes shall be allowed for the actual consumption of each meal except for those ~~inmates~~ on medical diets where the responsible physician has prescribed additional time.

Provisions shall be made for ~~inmates~~incarcerated persons who may miss a regularly scheduled facility meal. They shall be provided with a substitute meal and beverage, and ~~inmates~~ on medical diets shall be provided with their prescribed meal.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1241. Minimum Diet.

The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 2014~~9~~ Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, ~~the 2008 California Food Guide,~~ and the 2015~~20~~-2025~~0~~ Dietary Guidelines for Americans. Facilities providing religious, vegetarian or medical diets, shall also conform to these nutrition standards. The nutritional requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should be served.

(a) Protein Group. Includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter and textured vegetable protein (TVP). One serving equals 14 grams or more of protein; the daily requirements shall be equal to three servings (a total of 42 grams per day or 294 grams per week). In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week.

(b) Dairy Group. Includes milk (fluid, evaporated or dry; nonfat, 1% or 2% reduced fat, etc.); cheese (cottage, cheddar, etc.); yogurt; ice cream or ice milk; and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg. of calcium. All milk shall be pasteurized and fortified with Vitamins A and D. The daily requirement is

three servings. One serving can be from a fortified food containing at least 150 mg. of calcium. For persons 15-17 years of age, or pregnant and lactating ~~women~~people, the requirement is four servings of milk or milk products.

(c) Vegetable-Fruit Group. Includes fresh, frozen, dried and canned vegetables and fruits. One serving equals: 1/2 cup vegetable or fruit; 6 ounces of 100% juice; 1 medium apple, orange, banana, or potato; 1/2 grapefruit; or 1/4 cup dried fruit. The daily requirement of fruits and vegetables shall be five servings. At least one serving shall be from each of the following three categories:

- (1) One serving of a fresh fruit or vegetable per day, or seven (7) servings per week.
- (2) One serving of a Vitamin C source containing 30 mg. or more per day or seven (7) servings per week.
- (3) One serving of a Vitamin A source, fruit or vegetable, containing 200 micrograms ~~Retinol~~Retinol Equivalent (RE) or more per day, or seven servings per week.

(d) Grain Group. Includes bread, rolls, pancakes, sweet rolls, ready-to-eat cereals, cooked cereals, corn bread, pasta, rice, tortillas, etc. and any food item containing whole or enriched grains. At least three servings from this group must be made with whole grains. The daily requirements shall be a minimum of six servings.

Providing only the minimum servings outlined in this regulation is not sufficient to meet ~~an the inmates' incarcerated person's~~ caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet daily caloric requirements. Saturated dietary fat should not exceed 10 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable. Facility diets shall consider the recommendations and intentions of the ~~2020-15-2025~~2020-15-2025 Dietary Guidelines of Americans of reducing overall sugar and sodium levels.

Note: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1242. Menus.

Menus in Type II and III facilities, and those Type IV facilities where food is served, shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods, thus preventing repetitive meals. Menus shall be approved by a registered dietitian before being used. The dietitian shall ensure that the meals meet the nutritional and hot food requirements set forth in Sections 1240 and 1241.

If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet. Variations in the menu shall meet the caloric requirements set forth in Section 1241.

Menus, as planned, including changes, shall be evaluated by a registered dietitian at least annually.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1243. Food Service Plan.

Facilities shall have a written food service plan that shall comply with the applicable California Retail Food Code. In facilities with an average daily population of 100 or more, there shall be employed or available, a trained experienced food services manager to prepare and implement a food service plan. In facilities of less than an average daily population of 100 that do not employ or have a food services manager available, the facility administrator shall prepare a food service plan. The plan shall include, but not limited to, the following policies and procedures:

- (a) menu planning;
- (b) purchasing;
- (c) storage and inventory control;
- (d) food preparation and handling, including provisions for food that is found to be contaminated, expired, showing obvious signs of spoilage, or otherwise not fit for human consumption;
- (e) food serving;
- (f) transporting food;
- (g) orientation and ongoing training;
- (h) personnel supervision;
- (i) budgets and food cost accounting;
- (j) documentation and record keeping;
- (k) emergency feeding plan;
- (l) waste management; and
- (m) maintenance and repair; and
- (n) three-day mainline sample tray.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1245. Kitchen Facilities, Sanitation, and Food Storage.

(a) Kitchen facilities, sanitation, and food preparation, service, and storage shall comply with standards set forth in Health and Safety Code, Division 104, Part 7, Chapters 1-13, Sections 113700 et seq. California Retail Food Code.

(b) In facilities where inmates incarcerated people prepare meals for self-consumption or where frozen meals or pre-prepared food from other permitted food facilities (see Health and Safety Code Section 114381) are (re)heated and served, the following applicable California Retail Food Code standards may be waived by the local health officer:

- (1) H & S Sections 114130-114141;
- (2) H & S Sections 114099.6, 114095-114099.5, 114101-114109, 114123, and 114125, if a domestic or commercial dishwasher capable of providing heat to the surface of the utensils of a temperature of at least 165 degrees Fahrenheit, is used for the purpose of cleaning and sanitizing multi-service utensils and multi-service consumer utensils;

- (3) H & S Sections 114149-114149.3 except that, regardless of such a waiver, the facility shall provide mechanical ventilation sufficient to remove gases, odors, steam, heat, grease, vapors and smoke from the kitchen;
- (4) H & S Sections 114268-114269; and,
- (5) H & S Sections 114279-114282.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

~~§ 1247. Disciplinary Separation Diet.~~

~~(a) A disciplinary separation diet which is nutritionally balanced may be served to an inmate. No inmate receiving a prescribed medical diet is to be placed on a disciplinary separation diet without review by the responsible physician or pursuant to a written plan approved by the physician. Such a diet shall be served twice in each 24-hour period and shall consist of one-half of the loaf (or a minimum of 19 oz. cooked loaf) described below or other equally nutritious diet, along with two slices of whole wheat bread and at least one quart of drinking water if the cell does not have a water supply. The use of disciplinary separation diet shall constitute an exception to the three-meal-a-day standard. Should a facility administrator wish to provide an alternate disciplinary diet, such a diet shall be submitted to the Board for approval.~~

~~(b) The disciplinary diet loaf shall consist of the following:~~

- ~~2-1/2 oz. nonfat dry milk~~
- ~~4-1/2 oz. raw grated potato~~
- ~~3 oz. raw carrots, chopped or grated fine~~
- ~~1-1/2 oz. tomato juice or puree~~
- ~~4-1/2 oz. raw cabbage, chopped fine~~
- ~~7 oz. lean ground beef, turkey or rehydrated, canned, or frozen Textured Vegetable Protein (TVP)~~
- ~~2-1/2 fl. oz. oil~~
- ~~1-1/2 oz. whole wheat flour~~
- ~~1/4 tsp. salt~~
- ~~4 tsp. raw onion, chopped~~
- ~~1 egg~~
- ~~6 oz. dry red beans, pre-cooked before baking (or 16 oz. canned or cooked red kidney beans)~~
- ~~4 tsp. chili powder~~

~~Shape into a loaf and bake at 350-375 degrees for 50-70 minutes.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1248. Medical Diets.

The responsible physician, in consultation with the facility administrator, shall develop written policies and procedures that identify the individual(s) who are authorized to prescribe a medical diet. The medical diets utilized by a facility shall be planned, prepared and served with consultation from a registered dietitian. The facility manager shall comply with any medical diet prescribed for an inmate~~inmate~~incarcerated person.

The facility manager and responsible physician shall ensure that the medical diet manual, which includes sample menus of medical diets, shall be available in both the medical unit and the food service office for reference and information. A registered dietitian shall review, and the responsible physician shall approve, the diet manual on an annual basis.

Pregnant ~~and lactating women~~people shall be provided a balanced, nutritious diet approved by a doctor.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 13. ~~Inmate~~ Clothing and Personal Hygiene

§ 1260. Standard Institutional Clothing.

The standard issue of climatically suitable clothing to ~~inmates~~incarcerated people held after arraignment in all but Court Holding, Temporary Holding and Type IV facilities shall include, but not be limited to:

- (a) clean socks and footwear;
- (b) clean outergarments; and,
- (c) clean undergarments;
 - (1) for males - shorts and undershirt, and
 - (2) for females - bra and two pairs of panties.

The ~~inmates'~~person's personal undergarments and footwear may be substituted for the institutional undergarments and footwear specified in this regulation. This option notwithstanding, the facility has the primary responsibility to provide the personal undergarments and footwear.

All issued and exchanged Cclothing shall be clean and free of holes or tears, reasonably fitted, durable, easily laundered and repaired. Undergarments shall be clean, free of holes or tears, and substantially free of stains. Individuals shall be able to select the garment type more compatible with their gender identity and gender expression.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1261. Special Clothing.

Provision shall be made to issue suitable additional clothing, essential for ~~inmates~~incarcerated people to perform such special work assignments as food service, medical, farm, sanitation, mechanical, and other specified work.

All issued clothing must be clean, free of holes and tears.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1263. Clothing Supply.

There shall be a quantity of clean clothing, bedding, and linen available for actual and replacement needs of the ~~inmate~~ population.

Written policy and procedures shall specify handling of laundry that is known or suspected to be contaminated with infectious material.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1264. Control of Vermin in ~~Inmates'~~ Personal Clothing.

There shall be written policies and procedures developed by the facility administrator to control the contamination and/or spread of vermin in all ~~inmates'~~incarcerated people's personal clothing. Infested clothing shall be cleaned, disinfected, or stored in a closed container so as to eradicate or stop the spread of the vermin.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1265. Issue of Personal Care Items.

There shall be written policies and procedures developed by the facility administrator for the issue of personal hygiene items. Each ~~female inmate~~menstruating person shall be provided with sanitary napkins, panty liners, and tampons as requested with no maximum allowance. Each ~~inmate~~person to be held over 24 hours who is unable to supply ~~himself/herself~~themselves with the following personal care items, because of either indigency or the absence of an ~~inmate~~ canteen, shall be issued:

- (a) toothbrush,
- (b) dentifrice,
- (c) soap,
- (d) comb, and
- (e) shaving implements.

Personal care items shall be issued within the first 12 hours of housing assignment. ~~Inmates~~incarcerated persons shall not be required to share any personal care items listed in items "a" through "d."

~~Inmates~~incarcerated people will not share disposable razors. Double edged safety razors, electric razors, and other shaving instruments capable of breaking the skin, when shared among ~~inmates~~incarcerated people, must be disinfected between individual uses by the method prescribed by the State Board of Barbering and Cosmetology in Sections 979 and 980, Division 9, Title 16, California Code of Regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1266. Showering.

There shall be written policies and procedures developed by the facility administrator for ~~inmate~~ showering/bathing. ~~Inmates~~ Incarcerated persons shall be permitted to shower/bathe upon assignment to a housing unit and at least every other day or more often if possible.

Absent exigent circumstances, no person shall be prohibited from showering at least every other day following assignment to a housing unit. If showering is prohibited, it must be approved by the facility manager or designee, and the reason(s) for prohibition shall be documented.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1267. Hair Care Services.

(a) Hair care services shall be available.

(b) ~~Inmates,~~ Except those who may not shave for reasons of identification in court, incarcerated people shall be allowed to shave daily and receive hair care services at least once a month. The facility administrator may suspend this requirement in relation to ~~inmates~~ people who are considered to be a danger to themselves or others.

(c) Equipment shall be disinfected, after each use, by a method approved by the State Board of Barbering and Cosmetology to meet the requirements of Title 16, Division 9, Sections 979 and 980, California Code of Regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Article 14. Bedding and Linen

§ 1270. Standard Bedding and Linen Issue.

The standard issue of clean suitable bedding and linens, for each ~~inmate~~ incarcerated person entering a living area who is expected to remain overnight, shall include, but not be limited to:

- (a) one serviceable mattress which meets the requirements of Section 1272 of these regulations;
- (b) one mattress cover or one sheet;
- (c) one towel; and,
- (d) one blanket or more depending upon climatic conditions.

Policy and procedure shall require that items (a), (b), and (d) above be provided prior to the first night in the facility.

Two blankets or sleep bag may be issued in place of one mattress cover or one sheet at the request of the incarcerated person.

Temporary Holding facilities which hold persons longer than 12 hours shall provide an incarcerated person with bedding and linen that meet the requirements of (a), (b) and (d) above prior to their first night in the facility and every night thereafter.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1271. Bedding and Linen Exchange.

There shall be written policies and procedures developed by the facility administrator for the scheduled exchange of laundered and/or sanitized bedding and linen issued to each ~~inmate~~ person housed. Washable items such as sheets, mattress covers, and towels shall be exchanged for clean replacement at least once each week. If a top sheet is not issued, blankets or sleep bags shall be laundered or dry cleaned at least once a month or more often if necessary. If a top sheet is issued, blankets shall be laundered or dry cleaned at least every three months.

Mattress shall be free of holes and tears. Mattress with holes, tears, or that lack sufficient padding shall be replaced upon request with mattresses that meet the requirements of Section 1270.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

§ 1272. Mattresses.

Any mattress issued to an ~~inmate~~ incarcerated person in any facility shall be enclosed in an easily cleaned, non-absorbent ticking, and conform to the size of the bunk as referenced in Title 24, Part 2, Section 1231.3.5, Beds. Any mattress purchased for issue to an ~~inmate~~ incarcerated person in a facility which is locked to prevent unimpeded access to the outdoors shall be certified by the manufacturer as meeting all requirements of the State Fire Marshal and the Bureau of Home Furnishings' test standard for penal mattresses at the time of purchase.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Agenda Item C

MEETING DATE: April 7, 2022

AGENDA ITEM: C

TO: BSCC Chair and Members

FROM: Eddie Escobar, Field Representative, eddie.escobar@bscc.ca.gov

SUBJECT: Tribal Youth Diversion (TYD) Grant Program, Six-month, No-Cost Extension: **Requesting Approval**

Summary

This agenda item requests Board approval of a six-month, no-cost grant-term extension for two Tribal Youth Diversion Cohort I grantees, the Karuk Tribe and Pinoleville Pomo Nation. These grantees experienced implementation delays and service interruption due to the coronavirus (COVID-19) and were unable to deliver services as planned. The extensions would allow for additional time to operate programs and spend down grant funds in accordance with grant agreements.

Background

The Tribal Youth Diversion Grant (TYD) program was originally established as part of the Youth Reinvestment Grant that was created through enactment of the 2018 Budget Act (Chapter 29) and the related trailer bill (Assembly Bill 1812, Chapter 36, Statutes of 2018). Per the 2018 Budget Act, TYD grants support Indian tribes in the implementation of diversion programs for Indian children using trauma informed, community-based, and health-based interventions. Funding priority must be given to diversion programs that address the needs of Indian children who experience high rates of juvenile arrests, high rates of suicide, high rates of alcohol and substance abuse, and high school graduation rates that are lower than 75 percent.

As a result of COVID-19 pandemic, both grantees experienced implementation delays while complying with health and safety protocols. Specifically, programming spaces were unavailable, services could not be delivered as intended due to social distancing requirements, established referral networks were paused indefinitely, pro-social networks and mentoring opportunities were interrupted. Consequently, youth participation in services declined significantly. Providing a six-month, no-cost grant-term extension through December 2022 will allow these two grantees additional time to deliver services, offsetting the time lost at the start of the grant. Without a grant term extension, both agreements would end in June 2022.

Recommendation/Action Needed

Staff recommends that the Board approve a six-month, no-cost grant-term extension for the Tribal Youth Diversion Grant Program - Cohort 1 grantees.

Recommendation/Action Needed

C-1: Project Abstracts for the Karuk Tribe and Pinoleville Pomo Nation.

Attachment C-1

Tribal Youth Diversion Grant Abstracts of Projects Funded in Cohort 1

Tribe: Pinoleville Pomo Nation

Project Title & Amount: Mendocino Regional Tribal Diversion Project (\$889,737)

Proposal Abstract: Pinoleville Pomo Nation is submitting a regional application to support 352 American Indian (AI) students (age 12-18) in decreasing rates of juvenile probation, suspension, dropout and increasing cultural education and academic support in Mendocino County. The project partners and collaborates with Mendocino County Probation Department, Ukiah Unified School District (UUSD) and two Tribes. The project will implement three major strategies to address critical challenges faced by the Native American youth in our area.

1. Increase cultural awareness & education among AI students, their classmates and school district staff to integrate native culture into school curriculum, create a trauma-informed educational environment and build AI students' strength based on their cultural heritage.
 - Objective A: By the end of the 1st project year, develop a database with at least 20 local tribal cultural educators and establish a system to work with 10 local schools to bring local native history, culture and tradition to the classrooms with 15% increase of service in the 2nd and 3rd project years.
 - Objective B: By the end of each project year, deliver 120 hrs. of local native cultural education in Ukiah Unified School District and Mendocino County Office of Education classrooms serving a total of 40 teachers, 320 native & 500 non-native students for the first year, with 15% growth in year 2 and year 3.

2. Improve AI students' academic performance, engage the whole families in AI student's vocational and college counseling and decrease dropout.
 - Objective C: By the end of each program year, offer 1000 hours individual tutoring sessions to 25-30 AI students who experience arrest or probation, suspension, chronic absenteeism, or are at high risk for dropping out of school or falling severely behind in their grade level.
 - Objective D: By the end of each project year, deliver 10 College and Career Group Workshops reaching 100 AI students and their families and 60 individual counseling sessions to 20-25 at risk AI youth.

3. Increase American Indian youth-adult partnership and parent-family involvement to prevent juvenile arrests, suicide and substance abuse.
 - Objective E: Increase existing mentoring program to serve 15 additional high risk AI youth (age 12-18) through adult mentorship totaling 720 hours in order to prevent and intervene in youth entering into the juvenile justice system by the end of each program year.
 - Objective F: Produce (4) half-day prevention/early intervention community events and (2) full-day cultural classes to serve 100 AI youth and 75 family members utilizing the GONA (Gathering of Native Americans) framework to increase cultural knowledge, community engagement and program recruitment by the end of each year.

Tribe: Karuk Tribe

Project Title & Amount: Youth Wellness Truancy Court (\$229,011)

Proposal Abstract: The Karuk Youth Wellness Truancy Court (KYWTC) is a pre-court diversion program designed to provide an alternative way to intervene and provide services to AI/NA truant students grades 7th – 12th. It is a four-phase process involving progressive interventions to improve student's attendance and academic performance. The four phases include parent/guardian and child meeting with youth Truancy Court personnel on a regular basis and petition is filed in the youth truancy wellness court. A specially assigned student support student services specialist and other team members work collaboratively with schools, parents/guardians, community organizations, human services and correction personnel to improve the student's attendance, academic performance and cultural connectivity/awareness.

The Karuk Youth Wellness Court annually works with approximately 10-15 at-risk Karuk youth ages grades 7th thru 12th residing within the Karuk's service area. In 2018/2019 the youth Wellness Court has seen a drastic increase in youth being referred to the program for Truancy, academic failure and or SARB actions. Out of the ten most recent youth entering the program, three actually had SARB actions with four at risk of academic failure with all seven (7) having no substance abuse issues. The court in 2019 had to turn away approximately five (5) youth due to insufficient court program service capacity.

Agenda Item D

MEETING DATE: April 8, 2022

AGENDA ITEM: D

TO: BSCC Chair and Members

FROM: Kasey Warmuth, Chief of Research, Kasey.Warmuth@bscc.ca.gov

SUBJECT: California Violence Intervention and Prevention Program – Service Contract to Strengthen the Data Collection and Management Capacity of Grantees: **Requesting Approval**

Summary

This agenda item requests Board approval to release the Request for Proposal (RFP) entitled *California Violence Intervention and Prevention (CalVIP) Grant Program: Service Contract to Strengthen the Data Collection and Management Capacity of Grantees* (Attachment D-2). The RFP solicits proposals from universities, research firms, and consultants to engage in capacity-building with CalVIP grantees to strengthen their performance in key evaluation areas, including data collection, data systems, data entry, and developing and using data sharing agreements (if needed). This item also requests the Board to authorize staff to review and rate the proposals that are received and to enter a service contract with the selected Contractor.

Background

For the CalVIP Grant Program, the Budget Act of 2021 (Senate Bill 129, Chapter 69, Statute of 2021) appropriated \$1.8 million in funding to build capacity in the field of community-based violence intervention and prevention. The funding is designed to be used to hire technical assistance providers with experience in implementing community-based violence intervention and prevention programs, to contract with or provide grants to organizations that provide training and certifications to community-based violence intervention and prevention professionals to expand the field of front line workers and technical assistance providers, and to contract with independent researchers to evaluate the impact of selected initiatives supported by CalVIP.

On February 10, 2022, the Board approved the CalVIP Executive Steering Committee's (ESC) funding recommendations for the \$1.8 million to assist in capacity building, technical assistance and training. The specific service and funding recommendations were:

1. Provide training and certifications to community-based violence intervention and prevention professionals to expand the field of frontline workers, including street outreach, hospital-based Interventions, community intervention workers and ambassadors.

2. Provide supplemental grants for CalVIP grantees to provide mental health services to frontline workers and their families to help deal with the stress and trauma of the job.
3. Provide regional technical assistance for grantees to build capacity in data collection, data entry, development of sharing agreements, financial and billing needs, accounting, communication support, and fiscal structure.
4. Convene specific strategy meetings (e.g., all Hospital-based Violence Intervention, street outreach, etc.), that would bring together the entire Cohort to identify and share best practices.
5. Institute a culturally Relevant Professional Development Pilot Program for frontline workers.

Service	Funding
Training and Certifications for Frontline Workers	\$750,000
Mental Health Services for Frontline Workers	\$500,000
Regional Technical Assistance	\$250,000
Convening Capacity	\$150,000
Professional Development	\$150,000
Total	\$1,800,000

Regional Technical Assistance, Item 3 above, was assigned \$250,000 in funding. The ESC further specified that 50 percent of this assigned funding would be dedicated to each type of technical assistance to be provided—building data capacity and building fiscal capacity. As such, \$125,000 was assigned to develop a service contract to provide regional technical assistance to grantees to build capacity in data collection, data entry, and the development of data sharing agreements.

Attachment D-2 provides the RFP for the “building data capacity” portion of Item 3 above. The RFP, entitled *CalVIP Grant Program: Service Contract to Strengthen the Data Collection and Management Capacity of Grantees*, was designed to solicit proposals from universities, research firms, and consultants to engage in capacity-building with CalVIP grantees to strengthen their performance in key evaluation areas, including data collection, data systems, data entry, and developing and using data sharing agreements (if needed). Key components of the RFP include:

- The Contractor will review the funded CalVIP proposals and gather information about the grantees’ projects, technical assistance needs as it related to data collection and management, and their geographical location.

- The Contractor will use the information gathered about and from grantees to refine the technical assistance delivery plan. The technical assistance plan is submitted with the proposal and describes:
 - the approach(es) that will be used to provide technical assistance to grantees (e.g., group-based training, direct in-person assistance), evidence supporting the selected approach(es),
 - the delivery plan (i.e., regional technical assistance, responsiveness to the data and evaluation capacity need of grantees, and customized technical assistance when appropriate)
 - ongoing technical assistance and oversight to maximize and standardize data collection efforts across all grant-funded projects.
- The Contractor will make a presentation to the grantees as part of the Grantee Orientation. The Contractor's presentation will (1) review and discuss the technical assistance that will be provided to grantees to strengthen their data collection and management capacity to meet the reporting and evaluation requirements; and (2) describe how the technical assistance will be provided and/or can be requested.
- The Contractor will begin providing technical assistance to grantees by October 3, 2022.
- The Contractor will participate in issue-specific technical assistance calls as the need arises.
- The Contractor will prepare and submit quarterly reports describing the technical assistance provided during the quarter to grantees. The report should identify the grantees that received technical assistance and a description of the technical assistance provided. The Contractor shall provide the BSCC with a copy of any materials or documents developed for grantees.
- The Contractor will participate in conference calls, virtual meetings, and in-person meetings with BSCC staff members as needed during the project period.

Recommendation/Action Needed

Staff recommends that the Board:

1. Approve and authorize release of the RFP: CalVIP Grant Program – Service Contract to Strengthen the Data Collection and Management Capacity of Grantees.
2. Authorize BSCC staff to review and rate the proposals that are received and to enter a service contract with the selected Contractor.

Attachments

D-1: February 10, 2022, BSCC Board Meeting, Agenda Item I

D-2: Request for Proposal: CalVIP Grant Program – Service Contract to Strengthen the Data Collection and Management Capacity of Grantees

Attachment D-1

MEETING DATE: February 10, 2022

AGENDA ITEM: I

TO: BSCC Chair and Members

FROM: Katrina Jackson, Field Representative, katrina.jackson@bscc.ca.gov

SUBJECT: California Violence Intervention and Prevention Program - Development of Service Contracts for Technical Assistance, Expanded Capacity, and Training for CalVIP Grants: **Requesting Approval**

Summary

This agenda item requests Board approval to allocate \$1.8 million in funding to develop service contracts and supplemental grants for technical assistance, expanded capacity, and training for the California Violence Intervention and Prevention (CalVIP) program. The contracts would fund experts to build and expand capacity in the field of community-based violence intervention and prevention by providing training and certifications to community-based violence intervention and prevention professionals, provide mental health services to frontline workers, and convene grantee meetings to share best practices in violence prevention strategies. Additional service contracts would fund experts that would provide technical assistance to grantees in fiscal structure and data collection.

Background

The Budget Act of 2021 (Senate Bill 129, Chapter 69, Statute of 2021) appropriated a total of \$1.8 million in funding to build capacity in the field of community-based violence intervention and prevention. The funding is designed to be used to hire technical assistance providers with experience in implementing community-based violence intervention and prevention programs, to contract with or provide grants to organizations that provide training and certifications to community-based violence intervention and prevention professionals to expand the field of front line workers and technical assistance providers, and to contract with independent researchers to evaluate the impact of selected initiatives supported by CalVIP.

Proposed Activities

The CalVIP Executive Steering Committee (ESC) recommends funding five categories to assist in capacity building, technical assistance and training for the maximum \$1.8 million. The services and funding recommendation are as followed:

1. Provide training and certifications to community-based violence intervention and prevention professionals to expand the field of frontline workers, including street outreach, hospital-based Interventions, community intervention workers and ambassadors.

2. Provide supplemental grants for CalVIP grantees to provide mental health services to frontline workers and their families to help deal with the stress and trauma of the job.
3. Provide regional technical assistance for grantees to build capacity in data collection, data entry, development of sharing agreements, financial and billing needs, accounting, communication support, and fiscal structure.
4. Convene specific strategy meetings (e.g., all Hospital-based Violence Intervention, street outreach, etc.), that would bring together the entire Cohort to identify and share best practices.
5. Institute a culturally Relevant Professional Development Pilot Program for frontline workers.

Service	Funding
Training and Certifications for Frontline Workers	\$750,000
Mental Health Services for Frontline Workers	\$500,000
Regional Technical Assistance	\$250,000
Convening Capacity	\$150,000
Professional Development	\$150,000
Total	\$1,800,000

Recommendation/Action Needed

Staff recommends that the Board:

1. Approve \$1.8 million to develop service contracts and supplemental grants for technical assistance, and to expand capacity and provide training for the CalVIP program.

Attachments

I-1: CalVIP Grant Budget Bill Language

Attachment D-2

REQUEST FOR PROPOSALS

Notice to Prospective Proposers

April 11, 2022

You are invited to review and respond to this Request for Proposals (RFP), entitled **California Violence Intervention and Prevention (CalVIP) Grant Program: Service Contract to Strengthen the Data Collection and Management Capacity of Grantees**. In submitting your proposal, you must comply with these instructions.

Note: For private companies, all agreements entered into with the State of California will include by reference General Terms and Conditions that may be viewed and downloaded at <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>. If you do not have internet access, a hard copy can be provided by contacting Jessica Espinoza as listed below.

For California State Universities, all agreements entered into with the State of California will include by reference University Terms and Conditions that may be viewed and downloaded at <https://www.ucop.edu/research-policy-analysis-coordination/research-sponsors-agreements/state-of-california/cma-templates.html>.

In the opinion of the Board of State and Community Corrections (BSCC), this RFP is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the contact person for this RFP is:

Jessica Espinoza
Board of State and Community Corrections
BSCCProcurement@bscc.ca.gov

Please note: No verbal information given will be binding upon the BSCC unless such information is issued in writing as an official addendum.

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A. BACKGROUND

The State Legislature established the California Violence Intervention and Prevention (CalVIP) Grant Program in Fiscal Year (FY) 2017-18. CalVIP encouraged jurisdictions to develop local approaches that would meet the diverse needs of each community. In 2019, the CalVIP grant was codified as the Break the Cycle of Violence Act (Chapter 735, Statutes of 2019) and established the authority and duties of the Board of State and Community Corrections (BSCC) to administer CalVIP, including the selection criteria for grants and reporting requirements to the Legislature.

Historically, CalVIP has received approximately \$9 million each year. In 2021, the State Budget Act (Senate Bill 129, Chapter 69, Statute of 2021) provided a one-time augmentation of \$200 million across three fiscal years to enhance CalVIP (FY 2021-22, 2022-23, and 2023-24). In addition to this one-time increase, the BSCC anticipates CalVIP will continue to receive an annual \$9 million allocation.¹ The total available funding across the three fiscal years is \$209,650,000.²

To develop a Request for Proposals (RFP), the BSCC convened a diverse group of subject matter experts, also known as an Executive Steering Committee (ESC). The CalVIP RFP³ was released on November 19, 2021, and proposals were due on February 11, 2022. Proposals will be rated by the ESC and awards will be announced at the June Board Meeting.⁴

The BSCC intends to award 59 CalVIP grants, according to the funding distribution structure in the figure below. Projects will be funded for a three-year grant project service period commencing July 1, 2022 and ending on June 30, 2025. However, an additional six months (July 1, 2025 through December 31, 2025) will be included in the term of project contracts for the sole purpose of finalizing and submitting the required Local Evaluation Report (LER) and finalizing and submitting a required financial audit.

Although the specifics of the projects to be funded will not be known until award announcements are made in June 2022, the CalVIP grants will be designed primarily to reduce the incidences of homicides, shootings, and aggravated assaults. Where appropriate, it is anticipated that the projects will track participant data for individuals engaged in ongoing services to include outcomes tied to recidivism, victimization, employment, education, behavior, etc.

¹ Provided funding is appropriated in the FY 2022-23 and 2023-24 State Budget Acts.

² Provided funding is appropriated in the FY 2022-23 and 2023-24 State Budget Acts.

³ The RFP is available at <https://www.bscc.ca.gov/wp-content/uploads/CalVIP-RFP.pdf>.

⁴ Information about BSCC Board meetings is available at https://www.bscc.ca.gov/s_boardmeetingscheduleagendasminutes/.

Table 2. Funding Distribution and Maximum Grant Amounts			
Funding Categories		Maximum Grant Amount*	Available Funding
(1)	Cities Disproportionately Impacted by Violence	\$6,000,000	\$99,825,000
(2)	CBOs that Serve the Residents of Cities Disproportionately Impacted by Violence	\$6,000,000	\$99,825,000
(3)	Small Scope CBOs that Serve the Residents of Cities Disproportionately Impacted by Violence	\$400,000	\$10,000,000
Total Funding Available for Competitive Grants			\$209,650,000

**Applicants may apply for any amount, up to and including the maximum grant amount.*

B. PURPOSE AND DESCRIPTION OF SERVICES

Penal Code Section 14131(n) requires the BSCC to submit a report to the Legislature regarding the impact of the violence prevention initiatives supported by CalVIP. BSCC Research will conduct the statewide outcome evaluation and provide information about the individual projects funded. The BSCC’s evaluation design:

- relies on the use of qualitative and aggregate quantitative data obtained from grantees through the BSCC’s Quarterly Progress Reports (QPRs), grantees’ Local Evaluation Plans (LEPs), and Local Evaluation Reports (LERs).⁵
- will identify and incorporate relevant, existing, and publicly accessible data for the purpose of tracking outcomes (e.g., changes in the incidences of homicides, shootings and aggravated assaults in grantee service areas) that may also be included in the outcome evaluation report.
- recognizes the grantee as the local coordinator for data collection and reporting.
- minimizes any evaluation related impacts on the organizations that provide services under the CalVIP Grant Program.

The Budget Act of 2021 also appropriated a total of \$1.8 million in funding to build capacity in the field of community-based violence intervention and prevention. The funding is designed to be used to hire technical assistance providers with experience in implementing community-based violence intervention and prevention programs, to contract with or provide grants to organizations that provide training and certifications to community-based violence intervention and prevention professionals to expand the field of frontline workers and technical assistance providers, and to contract with independent researchers to evaluate the impact of selected initiatives supported by CalVIP.

The CalVIP ESC was convened to develop services and funding recommendations for the \$1.8 million. Their recommendations were presented to and approved by the Board

⁵ For more information about QPRs, LEPs, and LERs see the CalVIP RFP at <https://www.bscc.ca.gov/wp-content/uploads/CalVIP-RFP.pdf>.

during its February 2021 meeting.⁶ The recommendations included \$125,000 for a service contract to provide regional technical assistance for grantees to build capacity in data collection, data entry, and the development of data sharing agreements (if needed). Strengthening grantees' data collection and management capacity is important to 1) support the BSCC's statewide outcome evaluation by maximizing and standardizing data collection across all projects for the collection of quality data through the QPRs, and 2) ensure grantees can collect quality, meaningful data for their project-specific evaluations (LEP and LER).

The purpose of this Request for Proposals (RFP) is to solicit proposals from universities, research firms, and consultants to engage in capacity-building with CalVIP grantees to strengthen their performance in key evaluation areas, including data collection, data systems, data entry, and developing and utilizing data sharing agreements (if needed).

Respondents to this RFP must include in the proposal a clear description of how they will work with grantees to strengthen their data collection and management capacity as a means of meeting the reporting and evaluation requirements of the BSCC (QPR, LEP, and LER). Applicants are requested to submit a proposal that:

- 1) recognizes the grantee as the local coordinator for data collection, data management, and reporting to the BSCC.
- 2) completes the work in consultation with BSCC staff.
- 3) gathers information about the grantees' projects, technical assistance needs as it relates to data collection and management, and their geographic location.
- 4) describes the approach(es) that will be used to provide technical assistance to CalVIP grantees (e.g., group-based training, direct in-person assistance). The description includes information supporting the use of the approach(es).
- 5) Includes delivery approaches that (1) provide regional technical assistance; (2) are responsive to the varying data and evaluation capacity building needs of grantees; (3) provide in-person and customized technical assistance to a small, select number of grantees who are most in need of intensive technical assistance.
- 6) provides ongoing technical assistance and oversight to grantees for data collection and management activities to maximize and standardize data collection efforts across all grant-funded projects.

Applicants to this RFP must include in the proposal a clear technical assistance delivery plan that includes a description of how they will achieve each of the components listed above and how they will provide each deliverable enumerated below.

⁶ See Agenda Item I during the February 2021 Board meeting. The agenda is available at <https://www.bscc.ca.gov/events/bscc-board-meeting-2-10-21/>.

C. DELIVERABLES

- 1) The Contractor will review the funded CalVIP proposals and gather information about the grantees' projects, technical assistance needs as it related to data collection and management, and their geographical location.
- 2) The Contractor will use the information gathered about and from grantees to refine the technical assistance delivery plan. This refined technical assistance delivery plan must be submitted to the BSCC by September 9, 2022. This refined, updated technical delivery plan must meet the requirements listed above in Section B, Purpose and Description of Services.
- 3) The Contractor will make a presentation to the grantees as part of the Grantee Orientation. The date has not been set but is anticipated to be in August or September 2022 and is expected to be held in-person in Sacramento. The Contractor's presentation will (1) review and discuss the technical assistance that will be provided to grantees to strengthen their data collection and management capacity to meet the reporting and evaluation requirements; and (2) describe how the technical assistance will be provided and/or can be requested.
- 4) The Contractor will begin providing technical assistance to grantees by October 3, 2022.
- 5) The Contractor will participate in issue-specific technical assistance calls as the need arises.
- 6) The Contractor will prepare and submit quarterly reports describing the technical assistance provided during the quarter to grantees. The report should identify the grantees that received technical assistance and a description of the technical assistance provided. The Contractor shall provide the BSCC with a copy of any materials or documents developed for grantees.
- 7) The Contractor will participate in conference calls, virtual meetings, and in-person meetings with BSCC staff members as needed during the project period. Generally, the meeting format will be virtual; however, up to four in-person one-day meetings may be planned over the course of the contract period.

D. MINIMUM QUALIFICATIONS OF APPLICANTS

The applicant must have, at a minimum, the following qualifications and experience:

- 1) Must be qualified to do business in the State of California.
- 2) Must have experience working with both local and state governments and community-based organizations (CBOs).
- 3) Must have experience in the field of criminal justice research, including the development of data collection tools and systems for the research project.

- 4) Must have experience in community-based violence intervention and prevention programs.
- 5) Must provide two relevant work product samples that demonstrate the breadth of experience identified in #2, #3, and #4 above.

E. PROPOSAL REQUIREMENTS AND INFORMATION

1. Key Action Dates

Event	Date
RFP Available to Prospective Proposers	Monday, April 11, 2022
Written Question Submittal Deadline	Friday, April 22, 2022 by 5:00 pm
Answers to Written Questions Published	Friday, April 29, 2022 by 5:00 pm
Final Date for Proposal Submission	Monday, May 16, 2022 by 5:00 pm
Notice of Intent to Award	Friday, June 3, 2022
Proposed Award Date	Friday, June 10, 2022
Contract Initiated	Friday, June 10, 2022
Executed Agreement	On or about Monday, July 11, 2022
End Date of Agreement	December 31, 2025

2. Work Plan and Work Schedule Requirements

The applicant shall submit a Work Plan and Work Schedule for the delivery of technical assistance that identifies each major task, necessary subtask, and/or specific milestones, including responsible parties and a timeline, by which progress can be measured and payments made.

3. Cost Detail Format and Requirements

The proposed tasks and milestones should be broken down in the outline of the Work Plan and Work Schedule. The total costs of all tasks and milestones cannot exceed \$125,000. Cost details shall be broken down by each major milestone/deliverable as identified in the Work Plan and Work Schedule. The Sample Cost Proposal Worksheet (Attachment 3) may be used as a guide in preparing your cost proposal.

4. Payments and Invoicing

Invoices must be submitted to the BSCC upon completion of a deliverable as outlined in the Work Schedule.

5. Submission of Proposal

Applicants must submit an electronic version of the complete proposal package to the BSCC by 5:00 p.m. on **April 11**, 2022 [see dates and times shown in Section E, Proposal Requirements and Information (Item 1- Key Action Dates)]. Proposals received after this date and time will not be considered.

A complete proposal package will include:

- 1) One pdf file that contains the signed proposal (e-signatures are acceptable; see Section G, Required Proposal Abstract and Narrative, and Section H, Required Attachments).
- 2) Two pdf files that contain the two required work product samples. Each work product sample shall be a separate file (Attachment 12 and Attachment 13).

If the BSCC does not receive an email containing the complete proposal package by 5:00 p.m. on April 11, 2021, the proposal will not be considered.

Email the complete proposal package to: BSCCProcurement@bscc.ca.gov

If the proposal is made under a fictitious name or business title, the actual legal name of the proposer must be provided.

6. Proposal Content:

- a) All proposals shall include a narrative addressing the items identified in Section G, Required Proposal Abstract and Narrative, and the documents identified in Section H, Required Attachment Checklist (Attachment 1, page 13).
- b) Proposals must be submitted for the performance of all the services described herein.
- c) A proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The State may reject any or all proposals and may waive an immaterial deviation in a proposal. The State's waiver of an immaterial deviation shall in no way modify the RFP document or excuse the proposer from full compliance with all requirements if awarded the agreement.
- d) Costs incurred for developing proposals and in anticipation of award of the agreement are entirely the responsibility of the proposer and shall not be charged to the State of California.
- e) An individual who is authorized to bind the proposing firm contractually shall sign the Attachment 2, Proposal/Proposer Certification Sheet (page 14). The signature must indicate the title or position that the individual holds in the firm. An unsigned proposal may be rejected.
- f) A proposer may modify a proposal after its submission by withdrawing its original proposal and resubmitting a new proposal prior to the proposal submission deadline as set forth in the Key Action Dates (page 5).
- g) A proposer may withdraw its proposal by submitting a written withdrawal request to the State, signed by the proposer or an authorized agent in accordance with (e) above. A proposer may thereafter submit a new proposal prior to the proposal submission deadline of April 11, 2021.
- h) The awarding agency may modify the RFP prior to the date fixed for submission of proposals by the issuance of an addendum to all parties who received a proposal package.
- i) The awarding agency reserves the right to reject all proposals. The agency is not required to award an agreement.
- j) Before submitting a response to this solicitation, proposers should review, correct all errors, and confirm compliance with the RFP requirements.
- k) More than one proposal from an individual, firm, partnership, corporation, or association under the same or different names, will not be considered.
- l) The State does not accept alternate contract language from a prospective contractor. A proposal with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC, 04/2017) are not negotiable.

m) No oral understanding or agreement shall be binding on either party.

7. Evaluation Process

- a) At the time of proposal opening, each proposal will be checked for submission by the required date/time and for the presence or absence of required information in conformance with the submission requirements of this RFP. Late proposals will be disqualified.
- b) Proposals that contain false or misleading statements, or which provide references that do not support an attribute or condition claimed by the proposer, may be rejected.
- c) Award, if made, will be to the highest scored responsive proposal.
- d) Proposal Evaluation System

Proposals that meet the minimum qualifications will be evaluated and scored by the BSCC according to the Rating Factors (RF) shown in the table below. Applicants are asked to address each of these Rating Factors as part of their proposal.

Rating Factor		Point Range	Percent of Total Value	Weighted RF Score
1	Qualifications and Experience	0 - 5	15%	15
2	Technical Assistance Delivery Plan	0 - 5	35%	35
3	Work Plan and Work Schedule	0 - 5	20%	20
4	Project Budget	0 - 5	30%	30
Total Possible Proposal Score:			100%	100

Raters will assign points to an applicant’s response in each of the Rating Factor categories on a scale of 0 – 5, according to the Six-Point Rating Scale shown below. Each Rating Factor point assignment is then weighted according to the “Percent of Total Value” column associated with each Rating Factor to arrive at the Weighted Score for each Rating Factor. The Weighted Scores are then added together to calculate the Total Proposal Score.

Non-Response 0	Poor 1	Fair 2	Satisfactory 3	Good 4	Excellent 5
The response fails to address any of the criteria.	The response addresses the criteria in a very inadequate way.	The response addresses the criteria in a non-specific or unsatisfactory way.	The response addresses the criteria in an adequate way.	The response addresses the criteria in a substantial way.	The response addresses the criteria in an outstanding way.

8. Award and Protest

- a) Notice of the proposed award shall be posted in a public place in the office of the Board of State and Community Corrections, 2590 Venture Oaks way, Suite 200 Sacramento, CA 95833, as well as on BSCC's website (www.bscc.ca.gov) for five (5) working days prior to awarding the agreement.
- b) If any proposer, prior to the award of agreement, files a protest with the Board of State and Community Corrections and the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605, on the grounds that the (protesting) proposer would have been awarded the contract had the agency correctly applied the evaluation system in the RFP, or if the agency followed the evaluation and scoring methods in the RFP, the agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter. It is suggested that you submit any protest by certified or registered mail.
- c) Within five (5) days after filing the initial protest, the protesting proposer shall file with the Department of General Services, Office of Legal Services and the Board of State and Community Corrections a detailed statement specifying the grounds for the protest.
- d) Upon resolution of the protest and award of the agreement, Contractor must complete and submit to the awarding agency the Payee Data Record (STD 204), to determine if the Contractor is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found at: <https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>. No payment shall be made unless a completed STD 204 has been returned to the awarding agency. Upon resolution of the protest and award of the agreement, Contractor must sign and submit to the awarding agency, page one (1) of the Contractor Certification Clauses (CCC), which can be found at: <https://www.dgs.ca.gov/-/media/Divisions/OLS/Resources/CCC-042017.pdf?la=en&hash=4DE3E4DC414511AE378794200BA43EBF91C758EE>

9. Disposition of Proposals

- a) Upon proposal opening, all documents submitted in response to this RFP will become the property of the State of California and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.
- b) Proposal packages may be returned only at the proposer's expense, unless such expense is waived by the awarding agency.

10. Agreement Execution and Performance

- a) Performance shall start no later than fourteen (14) days, or on the express date set by the awarding agency and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor

shall be liable to the BSCC for the difference between Contractor's Proposal price and the actual cost of performing work by another contractor.

- b) All performance under the agreement shall be completed on or before the termination date of the agreement.

F. PREFERENCE AND PARTICIPATION PROGRAM INFORMATION

1. Small Business Preference

Section 14835 et seq. of the California Government Code requires that five percent (5%) preference be given to any Proposer who is certified by the State as a California small business, or any Proposer who qualifies as a non-small business claiming at least 25% California certified small business sub-contractor participation. The rules and regulations of this law, including the definition of a small business, or qualifying non-small business, are contained in Title 2, California Code of Regulations, Section 1896 et seq. The definition of non-profit veteran service agencies qualifying as a small business is contained in MVC section 999.50 et seq.

The method used in determining the successful bidder for an RFP Secondary follows:

- Calculate 5% of the highest responsible bidder's total score.
- Add the amount calculated above to the score of each of the certified small business or microbusinesses. This new amount is the total score.
- Award of the contract must go to the responsive proposal with the highest point count.

Proposals desiring to claim this preference must submit a fully executed copy of Attachment 10.

2. Disabled Veteran Business Enterprise (DVBE)

DVBE PARTICIPATION FOR THIS SOLICITATION HAS BEEN WAIVED

3. Target Area Contract Preference Act (TACPA)

Preference will be granted to California based Contractors in accordance with Government Code Section 4530 whenever a contract for goods and services are in excess of \$100,000 and the Contractor meets certain requirements as defined in the California Code (Title 2, Section 1896.30) regarding labor needed to produce the goods or provide the service being procured. Proposers desiring to claim Target Area Contract Preferences Act shall complete Std. Form 830 and DGS/PD 826, and submit both forms with the final proposal.

Proposals desiring to claim this preference must submit a fully executed copy of Attachment 11.

G. REQUIRED PROPOSAL ABSTRACT AND NARRATIVE

Applicants are required to provide a Proposal Abstract, Proposal Narrative, and Proposal Budget as described below. The Proposal Abstract, Proposal Narrative, and Budget Narrative (see below) must be submitted in Arial 12-point font with one-inch margins on all four sides,

and it must be 1.5-line spaced. The Proposal Narrative cannot exceed **12 numbered pages** in length. The Proposal Budget (provided as Attachment 4) can be up to **5 numbered pages** in length.

1. **Proposal Abstract** – Provide a summary of the proposed project. The Proposal Abstract cannot exceed **1-page** length. This section will not be included in the rating of the proposal. It does count toward the 12-page limit.
2. **Proposal Narrative** – For the Proposal Narrative, address each of the three (3) Rating Factor sections below.
 1. **Qualifications and Experience**
 2. **Technical Assistance Delivery Plan**
 3. **Work Plan and Work Schedule (can be addressed in table format)**

Each section should be titled according to its section header as provided (e.g., Qualifications and Experience). Within each section, address the Rating Factor and its criteria (bulleted lists provided below) in a comprehensive narrative format.

3. **Proposal Budget** – The Proposal Budget is provided as Attachment 4 and is comprised of two components: The Project Budget and a Budget Narrative description relating the expenses to the proposed project plan. Combined, these two components of the Proposal Budget should address the Project Budget Rating Factor and its criteria (bulleted lists provided below) in a comprehensive manner. Attachment 4 can be up to **5 numbered pages** in length and does not count toward the Project Narrative 12-page limit.

Note the aspects of the budget which cannot be changed due to Federal funding requirements which can be found in the US Department of Justice (DOJ) Grant Financial Guide. These include:

- Allowable Costs
- Indirect Costs
- Consultant Rates
- Property Standards
- Procurement

The US DOJ Financial Guide can be found here:

https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/DOJ_FinancialGuide_1.pdf

The response to each Rating Factor will be evaluated with a single rating based on a scale of 0 – 5. Addressing each criterion does not itself merit a high rating; rather, although each criterion is to be addressed, it is the quality of the response to each that will be evaluated.

The 12-page limit does not include any required attachments (see Section J, Required Attachments). It is up to the applicant to determine how best to use the total 12-page limit in addressing each section. However, as a guide, the percent of total value is provided for each section.

Address the Rating Factors below in narrative form:

Section 1. Qualifications and Experience (Percent of Total Value: 15%) Address the criteria listed below that comprise the Qualification and Experience Rating Factor.	
1.1	Describe the experience of the principal team members in the field of criminal justice research, including the development of data collection tools and systems for the research project. Description should include: <ul style="list-style-type: none"> • background and experience pertinent to the subject area. • experience with similar projects. • experience in California with criminal justice research projects, particularly those involving violence intervention and prevention programs. • experience working with and incorporating data from many sources, including both local and state governments and community-based organizations.
1.2	Describe experience of the principal team members in developing data collection tools and systems and assisting others with implementing their use.
1.3	Identify additional members of the project team, if applicable, and describe their role, education, and experience. Include the oversight plan by the principal team member
1.4	The two work product samples provided (as attachments) demonstrate relevant experience to the project.

Section 2. Technical Assistance Delivery Plan (Percent of Total Value: 35%) Address the criteria listed below that comprise the Technical Assistance Delivery Plan Rating Factor.	
2.1	Description of the proposed technical assistance delivery plan. The description should address the: <ul style="list-style-type: none"> • process for gathering information from grantees about their projects, technical assistance needs as it relates to data collection and management, and their geographic location. • process for incorporating/considering the information gathered from grantees into the technical assistance delivery plan. • approach(es) for providing technical assistance to grantees (e.g., group-based training, direct in-person assistance) and the rationale for the approaches selected. • delivery of technical assistance indicating the extent to which technical assistance will be provided regionally, is responsive to the varying data and evaluation capacity of grantees, and provides in-person, customized assistance as warranted. • process by which grantees with access or request technical assistance. • delivery of ongoing technical assistance to grantees for data collection and management for the duration of the grant-funded projects.
2.2	Description of the plan for coordinating with BSCC staff.
2.3	Description of the plan for project management that incorporates the sharing of information with the BSCC.
2.4	The technical assistance delivery plan is clearly tied to the requirements of the project (see section B. Purpose and Description of Services and section C. Deliverables).

Section 3. Work Plan and Work Schedule (Percent of Total Value: 20%) Address the criteria listed below that comprise the Work Plan and Work Schedule Rating Factor.	
3.1	Provide a Work Plan and Work Schedule that identifies each major deliverable, task, necessary subtask, and or specific milestone(s), including responsible parties and a timeline, for successful completion of the project.
3.2	The Work Plan and Work Schedule are clearly tied to the proposed Technical Assistance Delivery Plan and the requirements of the project (see section B. Purpose and Description of Services and section C. Deliverables).

Provide a Proposal Budget (Attachment 4) to address the Rating Factor below.

Section 4. Project Budget (Percent of Total Value: 30%) Address the criteria listed below that comprise the Project Budget Rating Factor.	
4.1	Present a detailed Project Budget (sample provided in Attachment 4) for the proposed Technical Assistance Delivery Plan that directly relates to the activities.
4.2	The Budget Narrative describes how the expenses included in the budget relate to the proposed Technical Assistance Delivery Plan and are inclusive of <u>all</u> the tasks required for successful completion of the project (see section B. Purpose and Description of Services and section C. Deliverables).

H. REQUIRED ATTACHMENTS

Refer to the following pages to view Required Attachments 1 through 13, that are a part of this agreement.

ATTACHMENT 1: REQUIRED ATTACHMENT CHECKLIST

Complete this checklist to confirm the items included as part of your proposal. Place a check mark or “X” next to each item that you are submitting to the BSCC. For your proposal to be responsive, all required attachments must be returned. This checklist should be returned with your proposal package.

	<u>Attachment</u>	<u>Attachment Name</u>
	Attachment 1	Required Attachment Checklist
	Attachment 2	Proposal/Proposer Certification Sheet
	Attachment 3	Sample Proposal Budget Worksheet
	Attachment 4	Proposer References
	Attachment 5	Payee Data Record (STD 204) (if currently not on file)
	Attachment 6	Contractor Certification Clauses (CCC-307)
	Attachment 7	California Civil Rights Laws Certification
	Attachment 8	Darfur Contracting Act Certification
	Attachment 9	Bidders Declaration Form
	Attachment 10	Small Business Certification**
	Attachment 11	Target Area Contract Preference Act (TACPA)**
	Attachment 12	Work Sample # 1 (refer to Minimum Qualifications for Proposers, page 4). To be provided as a separate file.
	Attachment 13	Work Sample #2 (refer to Minimum Qualifications for Proposers, page 4). To be provided as a separate file.
** If applicable		

Proposers note: The state makes no warranty that the checklist is a full comprehensive listing of every requirement specified in the solicitation. Checking off the items on the checklist does not establish proposer’s intent nor does it constitute responsiveness to the requirement(s). The checklist is only a tool to assist proposers in compiling their final proposal. Proposers are encouraged to carefully read the entire solicitation. The need to verify all documentation and responses prior to the submission of final proposals cannot be over emphasized.

ATTACHMENT 2: PROPOSAL/PROPOSER CERTIFICATION SHEET

Completion Instructions: Complete the numbered items on the Proposal/Proposer Certification Sheet (following page) by following the instructions below.

Item #s	Instructions
1, 2, 2a, 3	Must be completed. These items are self-explanatory.
4	Check if your organization/firm is a sole proprietorship. A sole proprietorship is a form of business in which one person owns all the assets of the business in contrast to a partnership and corporation. The sole proprietor is solely liable for all the debts of the business.
5	Check if your organization/firm is a partnership. A partnership is a voluntary agreement between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them. An association of two or more persons to carry on, as co-owners, a business for profit.
6	Check if your organization/firm is a corporation. A corporation is an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.
7	Check if your organization/firm is a university. A University is an institution of higher (or tertiary) education and research, which awards academic degrees in various academic disciplines. Universities typically provide undergraduate education and postgraduate education.
8	Check if your organization/firm is "Other." Other is defined as not applicable to the categories listed in numbered items 4, 5, 6, or 7.
9	Enter your federal employee tax identification number.
10	Enter your corporation (organization/firm) number assigned by the California Secretary of State's Office. This is used for checking if a corporation is in good standing and qualified to conduct business in California.
11	Complete, if applicable, by indicating the type of license and/or certification that your firm possesses and that is required for the type of services being proposed.
12, 13, 14, 15	Must be completed with name of the proposer, not organization/firm name. These items are self-explanatory.
16	If certified as a California Small Business, place a check in the "yes" box, and enter your certification number on the line. If certified as a Disabled Veterans Business Enterprise, place a check in the "Yes" box and enter your service code on the line. If you are not certified to one or both, place a check in the "No" box. If your certification is pending, enter the date your application was submitted to OSDS.

ATTACHMENT 2: PROPOSAL/PROPOSER CERTIFICATION SHEET

This Proposal/Proposer Certification Sheet must be signed and returned along with all the “required attachments” as an entire package.

- A. Place all required attachments behind this certification sheet.
- B. The signature affixed hereon and dated certifies compliance with all the requirements of this proposal document. The signature below authorizes the verification of this certification.

An unsigned Proposal/Proposer Certification Sheet may be cause for rejection

1. University/Company Name	2. Telephone Number ()	2a. Fax Number ()
3. Address		
Indicate your organization/firm type:		
4. <input type="checkbox"/> Sole Proprietorship 5. <input type="checkbox"/> Partnership 6. <input type="checkbox"/> Corporation 7. <input type="checkbox"/> University 8. <input type="checkbox"/> Other		
Indicate the applicable employee and/or corporation number:		
9. Federal Employee ID No. (FEIN)	10. California Corporation No.	
11. Indicate applicable license and/or certification information:		
12. Proposer’s Name (Print)	13. Email	
14. Title		
15. Signature	16. Date	
17. Are you certified with the Department of General Services, Office of Small Business and Disabled Veteran Business Enterprise (OSDS) as:		
a. California Small Business Yes <input type="checkbox"/> No <input type="checkbox"/>	b. Disabled Veteran Business Enterprise Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, enter certification number:	If yes, enter your service code below:	
Cert. No: _____	Code: _____	
NOTE: A copy of your Certification is required to be included if either of the above items is checked “Yes”.		
Date application was submitted to OSDS, if an application is pending:		

ATTACHMENT 3: SAMPLE PROPOSAL BUDGET WORKSHEET AND NARRATIVE

PROJECT BUDGET

DIRECT LABOR	HOURS	RATE	TOTAL
Title _____	_____	_____	_____
Title _____	_____	_____	_____
Title _____	_____	_____	_____
Title _____	_____	_____	_____
			\$ _____
SUBCONTRACTOR(S) COST ITEMIZED			\$ _____
INDIRECT COSTS (OVERHEAD AND FRINGE BENEFITS)			
Overhead Rate	_____	_____	
Fringe Benefits	_____	_____	
	_____	_____	\$ _____
DIRECT COSTS (EXCEPT LABOR)			
Travel Costs		_____	
Equipment and Supplies (Itemized)		_____	
Other Direct Costs (Itemized)		_____	
		_____	\$ _____
TOTAL COSTS			\$ _____

BUDGET NARRATIVE

Use this section to provide a description of how the expenses included in the budget relate to the proposed evaluation plan and are inclusive of all the tasks required for successful completion of the project. Include a breakdown of the total cost by deliverable.

ATTACHMENT 4: PROPOSER REFERENCES

Submission of this attachment is mandatory. Failure to comply and return this attachment with your proposal will cause your proposal to be rejected and deemed nonresponsive.

List below three (3) references for services performed within the last three (3) years, which are similar to the scope of work to be performed in this contract. If three (3) references cannot be provided, please explain why on an attached sheet of paper.

REFERENCE 1			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			

REFERENCE 2			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			

REFERENCE 3			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			

ATTACHMENT 5: PAYEE DATA RECORD (STD 204)

Proposer must complete, sign and submit the Payee Data Record (STD 204).

<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>

ATTACHMENT 6: CONTRACTOR CERTIFICATION CLAUSES (CCC-307)

Proposer must complete, sign and submit page 1 of the Contractor Certification Clauses (CCC-307).

<https://www.dgs.ca.gov/-/media/Divisions/OLS/Resources/CCC-042017.pdf?la=en&hash=4DE3E4DC414511AE378794200BA43EBF91C758EE>

ATTACHMENT 7: CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION (DGS OLS 04)

Proposer must complete, sign and submit the California Civil Rights Laws Certification Form (DGS OLS 04)

<https://www.documents.dgs.ca.gov/dgs/FMC/DGS/OLS004.pdf>

ATTACHMENT 8: DARFUR CONTRACTING ACT

Proposer must complete, sign and submit the Darfur Contracting Act Form.

<https://www.dgs.ca.gov/-/media/Divisions/PD/Acquisitions/Solicitation-Document-Attachments/Darfur-Contracting-Act.pdf>

ATTACHMENT 9: BIDDER DECLARATION FORM (GSPD-05-105)

View and print this document at:

<https://www.documents.dgs.ca.gov/dgs/fmc/gspd/gspd05-105.pdf>

ATTACHMENT 10: SMALL BUSINESS CERTIFICATION

<https://www.dgs.ca.gov/PD/Services/Page-Content/Procurement-Division-Services-List-Folder/Certify-or-Re-apply-as-Small-Business-Disabled-Veteran-Business-Enterprise>

ATTACHMENT 11: TARGET AREA CONTRACT PREFERENCE ACT (TACPA)

View and print this document at:

<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std830.pdf>

<https://www.documents.dgs.ca.gov/dgs/fmc/gspd/gspd0526.pdf>

ATTACHMENT 12: WORK SAMPLE # 1

To be provided as a separate file. (Refer to Minimum Qualifications for Proposers, page 4)

ATTACHMENT 13: WORK SAMPLE # 2

To be provided as a separate file. (Refer to Minimum Qualifications for Proposers, page 4)

APPENDIX 1: SAMPLE CONTRACT - UNIVERSITIES

**SAMPLE STANDARD AGREEMENT
(Universities)**

STANDARD AGREEMENT

STD 213 (Rev 02/20)

	AGREEMENT NUMBER
STATE CONTROLLER'S OFFICE IDENTIFIER	REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

, hereinafter referred to as "State"

CONTRACTOR'S NAME

, hereinafter referred to as "University"

2. The term of this Agreement is: _____ through _____

3. The maximum amount of this Agreement is: \$ _____

4. The Parties agree to comply with the terms and conditions of the following Exhibits, which by this reference are made a part of the Agreement.

- Exhibit A – A7:** A–Scope of Work; A1–Deliverables; A2–Key Personnel; A3–Authorized Representatives; A4–Use of Intellectual Property & Data; A5–Resumes/Biosketch; A6–Current & Pending Support; A7-Third Party Confidential Information (if applicable) page(s)
- Exhibit B – B–Budget; B1–Budget Justification; B2– Subawardee Budgets (if applicable); B3– Invoice Elements** page(s)
- Exhibit C* – University Terms and Conditions** UTC-220

Check mark additional Exhibits below, and attach applicable Exhibits or provide internet link:

- Exhibit D** – Additional Requirements Associated with Funding Sources page(s)
- Exhibit E** – Special Conditions for Security of Confidential Information page(s)
- Exhibit F** – Access to State Facilities or Computing Resources page(s)
- Exhibit G** – Negotiated Alternate UTC Terms page(s)

Items shown with an Asterisk (*) are hereby incorporated by reference and made part of this agreement as if attached hereto. You can find these documents on the [University of California, Office of the President](#) and the [California Department of General Services](#) websites.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties hereto.

CONTRACTOR		California Department of General Services Use Only
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)		
BY (Authorized Signature)	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING		
ADDRESS		
STATE OF CALIFORNIA		
AGENCY NAME		
BY (Authorized Signature)	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING		<input type="checkbox"/> Exempt per:
ADDRESS		

EXHIBIT A

SCOPE OF WORK

Contract Grant

Does this project include Research (as defined in the UTC)? Yes No

PI Name: Click or tap here to enter text.

Project Title: Click or tap here to enter text.

Project Summary/Abstract

This project will conduct a statewide evaluation of the Public Defense Pilot Program.

If Third-Party Confidential Information is to be provided by the State:

- Performance of the Scope of Work is anticipated to involve use of third-party Confidential Information and is subject to the terms of this Agreement; **OR**
- A separate CNDA between the University and third-party is required by the third-party and is incorporated in this Agreement as Exhibit A7, Third Party Confidential Information.

A. Scope and Description

1. *Contractor Name* (“*Contractor*”) agrees to provide the Board of State and Community Corrections (BSCC), (*type of service*) as described herein.
2. The agreement period is from (*date*) to (*date*).
3. The project representatives during the term of this agreement will be:

State Agency:	Contractor:
Name:	Name:
Phone:	Phone:
Cell:	Fax:

4. This project will provide capacity building to CalVIP Cohort 4 grantees to strengthen their performance in key evaluation areas, including data collection, data systems, data entry, and developing and utilizing data sharing agreements (when needed).

5. Deliverables for this contract:

- a) The Contractor will review the funded CalVIP proposals and gather information about the grantees' projects, technical assistance needs as it related to data collection and management, and their geographical location.
- b) The Contractor will use the information gathered about and from grantees to refine the technical assistance delivery plan. This refined technical assistance delivery plan must be submitted to the BSCC by September 9, 2022. This refined, updated technical delivery plan must meet the requirements listed above in Section B, Purpose and Description of Services.
- c) The Contractor will make a presentation to the grantees as part of the Grantee Orientation. The date has not been set but is anticipated to be in August or September 2022 and is expected to be held in-person in Sacramento. The Contractor's presentation will (1) review and discuss the technical assistance that will be provided to grantees to strengthen their data collection and management capacity to meet the reporting and evaluation requirements; and (2) describe how the technical assistance will be provided and/or can be requested.
- d) The Contractor will begin providing technical assistance to grantees by October 3, 2022.
- e) The Contractor will participate in issue-specific technical assistance calls as the need arises.
- f) The Contractor will prepare and submit quarterly reports describing the technical assistance provided during the quarter to grantees. The report should identify the grantees that received technical assistance and a description of the technical assistance provided. The Contractor shall provide the BSCC with a copy of any materials or documents developed for grantees.
- g) The Contractor will participate in conference calls, virtual meetings, and in-person meetings with BSCC staff members as needed during the project period. Generally, the meeting format will be virtual; however, up to four in-person one-day meetings may be planned over the course of the contract period.

EXHIBIT A2

KEY PERSONNEL

List Key Personnel as defined in the Agreement starting with the Principal Investigator (PI), by last name followed by Co-PIs. Then list all other Key Personnel in alphabetical order by last name. For each individual listed include his/her name, institutional affiliation, and role on the proposed project. Use additional consecutively numbered pages as necessary.

Last Name, First Name	Institutional Affiliation	Role on Project
PI:		
<i>Last name, First name</i>	<i>Institutional affiliation</i>	<i>Role on the project</i>
Co-PI(s) – if applicable:		
<i>Last name, First name</i>	<i>Institutional affiliation</i>	<i>Role on the project</i>
<i>Last name, First name</i>	<i>Institutional affiliation</i>	<i>Role on the project</i>
Other Key Personnel (if applicable):		
<i>Last name, First name</i>	<i>Institutional affiliation</i>	<i>Role on the project</i>
<i>Last name, First name</i>	<i>Institutional affiliation</i>	<i>Role on the project</i>

EXHIBIT A-3

AUTHORIZED REPRESENTATIVES AND NOTICES

The following individuals are the authorized representatives for the State and the University under this Agreement. Any official Notices issued under the terms of this Agreement shall be addressed to the Authorized Official identified below, unless otherwise identified in the Agreement.

Changes in the University Principal Investigator are subject to the Key Personnel section of this Agreement. Changes in other contact information may be made by notification, in writing, between the parties.

State Agency Contacts	University Contacts
Agency Name: <Agency Name>	University Name: <University Name>
<i>Contract Project Manager (Technical)</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress>	<i>Principal Investigator</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress>
<i>Authorized Official (contract officer)</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress>	<i>Authorized Official</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress>
<i>Send notices to (if different):</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress>	<i>Send notices to (if different):</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress>

<p><i>Administrative Contact</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress></p>	<p><i>Administrative Contact</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress></p>
<p><i>Financial Contact/Accounting</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress></p>	<p><i>Authorized Financial Contact/Invoicing</i> Name: <Name> <Title> Address: <Department> <Address> <City,State,Zip> Telephone: <Telephone#> Fax: <Fax#, if available> Email: <EmailAddress></p>

EXHIBIT A4

USE OF PRE-EXISTING DATA, COPYRIGHTED WORKS AND DELIVERABLES

If either Party will be using any third-party or pre-existing data or copyrighted works that have restrictions on use, then list all such data or copyrighted works and the nature of the restriction below. If no third-party or pre-existing data or copyrighted works will be used, check "none" in this section.

- A. State: Pre-existing data and/or copyrighted works to be provided to the University from the State or a third party for use in the performance in the Scope of Work.

None or List:

Owner (State Agency or 3 rd Party)	Type of Data or copyrighted work (Restricted or Unrestricted)	Description	If Restricted, nature of restriction:

- B. University: Use of pre-existing data or copyrighted works included in Deliverables identified in Exhibit A1.

None or List:

Owner (University or 3 rd Party)	Type of Data or copyrighted work (Restricted or Unrestricted)	Description	If Restricted, nature of restriction:

- C. Anticipated restrictions on use of Project Data

If the University PI anticipates that any of the Project Data generated during the performance of the Scope of Work will have a restriction on use (such as subject identifying information in a data set) then list all such anticipated restrictions below. If there are no restrictions anticipated in the Project Data, then check "none" in this section.

None or List:

Owner (University or 3 rd Party)	Description	Nature of Restriction:

EXHIBIT A5

CURRICULUM VITAE (CV) / RÉSUMÉS / BIOSKETCH

Attach CV/Résumé/Biosketch for Key Personnel listed in Exhibit A2.

EXHIBIT A6 (IF APPLICABLE)

**CURRENT & PENDING SUPPORT
 (Will be incorporated, if applicable)**

University will provide current & pending support information for Key Personnel identified in Exhibit A2 at time of proposal and upon request from State agency. The "Proposed Project" is this application that is submitted to the State. Add pages as needed.

PI: NAME OF INDIVIDUAL					
Status (currently active or pending approval)	Award # (if available)	Source (name of the sponsor)	Project Title	Start Date	End Date
Proposed Project					
CURRENT					
CURRENT					
PENDING					
NAME OF INDIVIDUAL					
Status	Award #	Source	Project Title	Start Date	End Date
Proposed Project					
CURRENT					
CURRENT					
PENDING					
NAME OF INDIVIDUAL					
Status	Award #	Source	Project Title	Start Date	End Date
Proposed Project					
CURRENT					
CURRENT					
PENDING					
NAME OF INDIVIDUAL					
Status	Award #	Source	Project Title	Start Date	End Date
Proposed Project					
CURRENT					
CURRENT					
PENDING					
NAME OF INDIVIDUAL					
Status	Award #	Source	Project Title	Start Date	End Date
Proposed Project					
CURRENT					
CURRENT					
PENDING					

EXHIBIT A7 (IF APPLICABLE)

**Third Party Confidential Information
Confidential Nondisclosure Agreement**

(Identified in Exhibit A, Scope of Work – will be incorporated, if applicable)

If the scope of work requires the provision of third party confidential information to either the State or the Universities, then any requirement of the third party in the use and disposition of the confidential information will be listed below. The third party may require a separate Confidential Nondisclosure Agreement (CNDA) as a requirement to use the confidential information. Any CNDA will be identified in this Exhibit A7.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

A. Invoicing and Payment

1. For services satisfactorily rendered, and upon receipt and approval of the invoices, the BSCC agrees to compensate the contractor, in monthly arrears, for actual expenditures incurred in accordance with the rates specified below:

DIRECT LABOR	HOURS	RATE	TOTAL
Title _____	_____	_____	_____
Title _____	_____	_____	_____
Title _____	_____	_____	_____
Title _____	_____	_____	_____
			\$ _____
SUBCONTRACTOR(S) COST ITEMIZED			\$ _____
INDIRECT COSTS (OVERHEAD AND FRINGE BENEFITS)			
Overhead Rate	_____	_____	
Fringe Benefits	_____	_____	
			\$ _____
DIRECT COSTS (EXCEPT LABOR)			
Travel Costs		_____	
Equipment and Supplies (Itemized)		_____	
Other Direct Costs (Itemized)		_____	
			\$ _____
TOTAL COSTS			\$ _____

2. The invoice must be submitted on the contractor's letterhead, signed by an authorized representative, and include the following information:
 - Agreement Number
 - Invoice Date
 - Description of work completed
 - Method of computing amount
 - Total amount due

3. Submit invoices to:
Board of State and Community Corrections
Attention: CalVIP
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

Or

Accounting@bscc.ca.gov

4. Payment will be processed upon approval and acceptance of invoice. Payment terms shall be net forty-five (45) days, as required by the Prompt Payment Act.

B. Budget Contingency Clause

1. It is mutually agreed that if the Budget Act of the current year, and/or any subsequent years, covered under this agreement, does not appropriate sufficient funds for the program, this agreement shall be of no further force and effect. In this event, the BSCC shall have no liability to pay any funds, whatsoever, to the contractor, or to furnish any other considerations under this agreement, and the contractor shall not be obligated to perform any provisions of this agreement.

2. If funding, for any fiscal year, is reduced or deleted by the Budget Act for purposes of this program, the BSCC shall have the option to either cancel this agreement, with no liability occurring to the State, or offer an agreement amendment to the contractor which reflects the reduced amount.

EXHIBIT B1

Budget Justification

The Budget Justification will include the following items in this format.

Personnel

Name. *Starting with the Principal Investigator list the names of all known personnel who will be involved on the project for each year of the proposed project period. Include all collaborating investigators, individuals in training, technical and support staff or include as “to be determined” (TBD).*

Role on Project. *For all personnel by name, position, function, and a percentage level of effort (as appropriate), including “to-be-determined” positions.*

Fringe Benefits.

In accordance with University policy, explain the costs included in the budgeted fringe benefit percentages used, which could include tuition/fee remission for qualifying personnel to the extent that such costs are provided for by University policy, to estimate the fringe benefit expenses on Exhibit B.

Travel

Itemize all travel requests separately by trip and justify in Exhibit B1, in accordance with University travel guidelines. Provide the purpose, destination, travelers (name or position/role), and duration of each trip. Include detail on airfare, lodging and mileage expenses, if applicable. Should the application include a request for travel outside of the state of California, justify the need for those out-of-state trips separately and completely.

Materials and Supplies

Itemize materials supplies in separate categories. Include a complete justification of the project’s need for these items. Theft sensitive equipment (under \$5,000) must be justified and tracked separately in accordance with State Contracting Manual Section 7.29.

Equipment

List each item of equipment (greater than or equal to \$5,000 with a useful life of more than one year) with amount requested separately and justify each.

Consultant Costs

Consultants are individuals/organizations who provide expert advisory or other services for brief or limited periods and do not provide a percentage of effort to the project or program.

Consultants are not involved in the scientific or technical direction of the project as a whole. Provide the names and organizational affiliations of all consultants. Describe the services to be performed, and include the number of days of anticipated consultation, the expected rate of compensation, travel, per diem, and other related costs.

Subawardee (Consortium/Subrecipient) Costs

Each participating consortium organization must submit a separate detailed budget for every year in the project period in Exhibit B2 Subcontracts. Include a complete justification for the need for any subawardee listed in the application.

Other Direct Costs

Itemize any other expenses by category and cost. Specifically justify costs that may typically be treated as indirect costs. For example, if insurance, telecommunication, or IT costs are charged as a direct expense, explain reason and methodology.

Rent

If the scope of work will be performed in an off-campus facility rented from a third party for a specific project or projects, then rent may be charged as a direct expense to the award.

Indirect (Facilities & Administration) Costs

Indirect costs are calculated in accordance with the University budgeted indirect cost rate in Exhibit B.

EXHIBIT B2 (IF APPLICABLE)

Budget Estimates Pertaining to Subcontractors (when applicable)

Principal Investigator (Last, First):

COMPOSITE BUDGET: ESTIMATE FOR ENTIRE PROPOSED PROJECT PERIOD
07/01/2019 to 05/31/202

		7/1/2019 6/30/2020	7/1/2020 6/30/2021	7/1/2021 6/30/2022	7/1/2022 5/31/2023	
BUDGET CATEGORY	From: To:	Year 1	Year 2	Year 3	Year 4	TOTAL
PERSONNEL: <i>Salary and fringe benefits</i>		\$0	\$0	\$0	\$0	\$0
TRAVEL		\$0	\$0	\$0	\$0	\$0
MATERIALS & SUPPLIES		\$0	\$0	\$0	\$0	\$0
EQUIPMENT		\$0	\$0	\$0	\$0	\$0
CONSULTANT		\$0	\$0	\$0	\$0	\$0
SUBRECIPIENT		\$0	\$0	\$0	\$0	\$0
OTHER DIRECT COSTS (ODC)	<i>Subject to IDC Calc</i>					
ODC #1	Y	\$0	\$0	\$0	\$0	\$0
ODC #2	Y	\$0	\$0	\$0	\$0	\$0
ODC #3	Y	\$0	\$0	\$0	\$0	\$0
ODC #4	Y	\$0	\$0	\$0	\$0	\$0
ODC #5	Y	\$0	\$0	\$0	\$0	\$0
ODC #6	Y	\$0	\$0	\$0	\$0	\$0
TOTAL DIRECT COSTS		\$0	\$0	\$0	\$0	\$0
Indirect (F&A Costs)						
	F&A Base					
<i>On-Campus</i>	<i>MTDC</i>	\$0	\$0	\$0	\$0	\$0
Indirect (F&A) Costs	40.00%	\$0	\$0	\$0	\$0	\$0
TOTAL ESTIMATED COSTS PER YEAR		\$0	\$0	\$0	\$0	\$0
TOTAL ESTIMATED COSTS FOR PROPOSED PROJECT PERIOD						\$0

JUSTIFICATION See Exhibit B1 – Follow the budget justification instructions.

Project Period Budget Flexibility

Prior approval is required for all budget changes to identified budget above.

EXHIBIT B3

Invoice and Detailed Transaction Ledger Elements

In accordance with Section 14 – Payment and Invoicing, the invoice, summary report and/or transaction/payroll ledger shall be certified by the University’s Financial Contact and the PI.

Summary Invoice – includes either on the invoice or in a separate summary document – by approved budget category (Exhibit B) – expenditures for the invoice period, approved budget, cumulative expenditures and budget balance available⁷

- Personnel
- Equipment
- Travel
- Subawardee – Consultants
- Subawardee – Subcontract/Subrecipients
- Materials & Supplies
- Other Direct Costs
 - TOTAL DIRECT COSTS (if available from system)
- Indirect Costs
 - TOTAL

Detailed transaction ledger and/or payroll ledger for the invoice period ⁸

- University Fund OR Agency Award # (to connect to invoice summary)
- Invoice/Report Period (matching invoice summary)
- General Ledger Account/Object Code
- Doc Type (or subledger reference)
- Transaction Reference#
- Transaction Description, Vendor and/or Employee Name
- Transaction Posting Date
- Time Worked
- Transaction Amount

⁷ If this information is not on the invoice or summary attachment, it may be included in a detailed transaction ledger.

⁸ For salaries and wages, these elements are anticipated to be included in the detailed transaction ledger. If all elements are not contained in the transaction ledger, then a separate payroll ledger may be provided with the required elements.

EXHIBIT C

**University Terms and Conditions
UTC-116**

AB20 State/University Model Agreement Terms & Conditions

<https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Model-Contract-Language>

APPENDIX 2: SAMPLE CONTRACT – PRIVATE COMPANIES

**SAMPLE STANDARD AGREEMENT
(Private Companies)**

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

STANDARD AGREEMENT

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER	PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

CONTRACTOR NAME

2. The term of this Agreement is:

START DATE

THROUGH END DATE

3. The maximum amount of this Agreement is:

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibits	Title	Pages
Exhibit A	Scope of Work	
Exhibit B	Budget Detail and Payment Provisions	
Exhibit C *	General Terms and Conditions	
+		
-		

Items shown with an asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto.*

These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

CONTRACTOR BUSINESS ADDRESS	CITY	STATE	ZIP

PRINTED NAME OF PERSON SIGNING	TITLE

CONTRACTOR AUTHORIZED SIGNATURE	DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

CONTRACTING AGENCY ADDRESS	CITY	STATE	ZIP

PRINTED NAME OF PERSON SIGNING	TITLE

CONTRACTING AGENCY AUTHORIZED SIGNATURE	DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL	EXEMPTION (If Applicable)

EXHIBIT A

SCOPE OF WORK

A. Scope and Description

1. *Contractor Name ("Contractor")* agrees to provide the Board of State and Community Corrections (BSCC), (*type of service*) as described herein.
2. The agreement period is from (*date*) to (*date*).
3. The project representatives during the term of this agreement will be:

State Agency:	Contractor:
Name:	Name:
Phone:	Phone:
Cell:	Fax:

4. This project will provide capacity building to CalVIP Cohort 4 grantees to strengthen their performance in key evaluation areas, including data collection, data systems, data entry, and developing and utilizing data sharing agreements (when needed).
5. Deliverables for this contract:
 - a) The Contractor will review the funded CalVIP proposals and gather information about the grantees' projects, technical assistance needs as it related to data collection and management, and their geographical location.
 - b) The Contractor will use the information gathered about and from grantees to refine the technical assistance delivery plan. This refined technical assistance delivery plan must be submitted to the BSCC by September 9, 2022. This refined, updated technical delivery plan must meet the requirements listed above in Section B, Purpose and Description of Services.
 - c) The Contractor will make a presentation to the grantees as part of the Grantee Orientation. The date has not been set but is anticipated to be in August or September 2022 and is expected to be held in-person in Sacramento. The Contractor's presentation will (1) review and discuss the technical assistance that will be provided to grantees to strengthen their data collection and management capacity to meet the reporting and evaluation requirements; and (2) describe how the technical assistance will be provided and/or can be requested. The dates for the Grantee Orientation have not been set but it is anticipated that the meetings will be held in September 2022.
 - d) The Contractor will begin providing technical assistance to grantees by October 3, 2022.
 - e) The Contractor will participate in issue-specific technical assistance calls as the need arises.

- f) The Contractor will prepare and submit quarterly reports describing the technical assistance provided during the quarter to grantees. The report should identify the grantees that received technical assistance and a description of the technical assistance provided. The Contractor shall provide the BSCC with a copy of any materials or documents developed for grantees.
- g) The Contractor will participate in conference calls, virtual meetings, and in-person meetings with BSCC staff members as needed during the project period. Generally, the meeting format will be virtual; however, up to four in-person one-day meetings may be planned over the course of the contract period.

B. Dispute Resolution Clause

- 1. The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, Contractor shall submit to the Executive Director or designee a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to or involving this Contract, unless the State, on its own initiative, has already rendered such a final decision. Contractor's written demand shall be fully supported by factual information, and if such demand involves a cost adjustment to the Contract, Contractor shall include with the demand a written statement signed by an authorized person indicating that the demand is made in good faith, that the supporting data are accurate and complete and that the amount requested accurately reflects the Contract adjustment for which Contractor believes the State is liable. If the Contractor is not satisfied with the decision of the Executive Director or designee, the Contractor may appeal the decision to the Department of General Services, Deputy Director, Procurement Division. In the event that this Contract is for information technology Goods and/or services, the decision may be appealed to an Executive Committee of State and Contractor personnel.
- 2. Pending the final resolution of any dispute arising under, related to or involving this Contract, Contractor agrees to diligently proceed with the performance of this Contract, including the delivery of Goods or providing of services in accordance with the State's instructions. Contractor's failure to diligently proceed in accordance with the State's instructions shall be considered a material breach of this Contract.
- 3. Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director or designee or Deputy Director, Procurement Division if an appeal was made. If the State fails to render a final decision within 90 days after receipt of Contractor's demand, it shall be deemed a final decision adverse to Contractor's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless Contractor commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

A. Invoicing and Payment

1. For services satisfactorily rendered, and upon receipt and approval of the invoices, the BSCC agrees to compensate the contractor, in monthly arrears, for actual expenditures incurred in accordance with the rates specified below:

DIRECT LABOR	HOURS	RATE	TOTAL
Title _____	_____	_____	_____
Title _____	_____	_____	_____
Title _____	_____	_____	_____
Title _____	_____	_____	_____
			\$ _____
SUBCONTRACTOR(S) COST ITEMIZED			\$ _____
INDIRECT COSTS (OVERHEAD AND FRINGE BENEFITS)			
Overhead Rate	_____	_____	
Fringe Benefits	_____	_____	
			\$ _____
DIRECT COSTS (EXCEPT LABOR)			
Travel Costs		_____	
Equipment and Supplies (Itemized)		_____	
Other Direct Costs (Itemized)		_____	
			\$ _____
TOTAL COSTS			\$ _____

2. The invoice must be submitted on the contractor's letterhead, signed by an authorized representative, and include the following information:
 - Agreement Number
 - Invoice Date
 - Description of work completed
 - Method of computing amount
 - Total amount due

3. Submit invoices to:
Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

Or

Accounting@bscc.ca.gov

4. Payment will be processed upon approval and acceptance of invoice. Payment terms shall be net forty-five (45) days, as required by the Prompt Payment Act.

B. Budget Contingency Clause

3. It is mutually agreed that if the Budget Act of the current year, and/or any subsequent years, covered under this agreement, does not appropriate sufficient funds for the program, this agreement shall be of no further force and effect. In this event, the BSCC shall have no liability to pay any funds, whatsoever, to the contractor, or to furnish any other considerations under this agreement, and the contractor shall not be obligated to perform any provisions of this agreement.

4. If funding, for any fiscal year, is reduced or deleted by the Budget Act for purposes of this program, the BSCC shall have the option to either cancel this agreement, with no liability occurring to the State, or offer an agreement amendment to the contractor which reflects the reduced amount.

EXHIBIT C

GENERAL TERMS AND CONDITIONS (GTC 04/2017)

The State of California General Terms and Conditions will be included in the contract by reference to the internet site:

<https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>

Agenda Item E

MEETING DATE: April 7, 2022 **Agenda Item E**

TO: BSCC Chair and Members

FROM: Aaron Maguire, General Counsel, Aaron.Maguire@bscc.ca.gov

SUBJECT: **Establishing Rules for Executive Steering Committees to Conduct Remote Rater Training: Requesting Approval**

Summary

This report requests the Board establish rules for its Executive Steering Committees and other advisory bodies to allow rater training to be conducted both virtually and in person when rater training is conducted at BSCC headquarters in Sacramento. This authority will only apply to ESCs and other advisory bodies for purposes of rater training and in conformance with the Bagley-Keene Open Meeting Act. (Gov. Code, §§ 11120 et seq.) The public would be able to attend both in person or on-line.

Background

The Bagley-Keene Open Meeting Act generally requires state bodies, as defined, to conduct business publicly to promote transparency and allow for public participation. Since the start of the COVID-19 pandemic, and pursuant to emergency executive orders, state bodies such as the BSCC have been permitted to meet remotely, using teleconference platforms to conduct meetings. On March 31, 2022, Executive Order N-1-22, which allowed for the use of teleconferencing in lieu of in-person meetings, expired.

In the coming weeks, several ESCs will be convening to participate in rater training. This process consists of BSCC staff providing an overview of grant scoring criteria and providing examples to explain the grant-rating process. No administrative decisions by the ESCs are made during these trainings and no votes are taken. Consequently, there is limited utility in requiring members to travel to Sacramento solely to engage in this training by staff. In addition, some ESC members volunteered to participate with the understanding that travel would not be required. As such, this report seeks board approval to allow participants on ESCs to continue to be trained online. The training still would be open for the public to observe online and in-person; this approval simply would not require a majority of ESC members to be present in Sacramento.

Government Code section 11123 allows for state body meetings to be conducted by teleconference under specified circumstances, including requiring members to participate at noticed locations that are open to the public. Government Code section 11123.5 provides a limited exception for advisory committees to hold open meetings by teleconference without having members appear in public locations and the location of members posted on a 10-day agenda. This limited exception requires that a “quorum of the members of the state body shall be in attendance” at a primary physical location. (Gov. Code, § 11123.5, subd. (e).) For the sole purpose of conducting in-person rater training, however, the Board should establish rules that a quorum of an ESC conducting rater training should consist of one person. ESC

members who wish to travel to Sacramento may continue to do so, but this rule will allow a majority of ESC members to receive training remotely.

Recommendation/Action Needed

Staff recommends that the Board:

1. Establish rule, for the sole purpose of conducting rater training, that a quorum for an ESC, or any subcommittee that rates grant proposal, consists of one member of the body.

Agenda Item F

MEETING DATE: April 7, 2022 **AGENDA ITEM:** F

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Local Detention Facilities Inspection Update: **Requesting Approval**

Summary

This report is a regular update on the local detention facility inspections completed in the 2020/2022 Biennial Inspection Cycle, a summary of current outstanding items of noncompliance for biennial inspections, and a summary of current outstanding items of noncompliance for targeted inspections.

Staff is requesting that the BSCC Board approve the recommendations included in the status report under the column headed “Staff Recommendation.”

Background

The 2020/2022 Biennial Inspection Cycle began on July 1, 2020. This inspection cycle includes the implementation of the Enhanced Inspection Process (EIP), as approved by the Board at its February 2020 meeting.

As inspections are completed for the 2020/2022 Biennial Inspection Cycle, BSCC staff continue to track the corrective action plan status of items of noncompliance identified during inspections. The list of outstanding items of noncompliance, and their statuses is here: <https://app.smartsheet.com/b/publish?EQBCT=721da257110c4f80bd92d8215c165fe1>
Items of noncompliance that have been resolved are located at the bottom of the dashboard.

During their most recent inspections, Merced County’s local detention facilities were found out of compliance with section 1027 of Title 15 of the California Code of Regulations, Staffing and administrators were unable to correct this issue within 60 days of CAP submission. Merced County Sheriff Vern Warnke will be participating in the meeting to provide an update on his agency’s corrective action efforts to date.

Information related to other outstanding items of noncompliance has been updated as appropriate. Current items of noncompliance are in yellow and gray codes, and staff is not recommending any other formal action be taken at this time. In the case of yellow- and grey-coded items, staff remains in continuous contact with agency administrators to provide technical assistance.

It is important to note that Humboldt County has corrected all outstanding items of noncompliance. Del Norte has corrected all but one remaining item relating to safety checks;

the agency is in the process of reviewing options for electronic safety checks; BSCC staff are scheduled to follow up shortly.

A list of items of noncompliance for juvenile facilities (as well as items that have been corrected) can be found here:

<https://app.smartsheet.com/b/publish?EQBCT=aafefb79b5d446b984d16a013d541c0d>

BSCC staff is working with San Diego County Probation on their plan for corrective action and we will continue to provide updates on this issue.

Recommendation/Action Needed

Staff is requesting that the BSCC Board approve recommendations outlined in the links above.

Public Comment Letter

December 3, 2021

My name is Mya Zeno. I am writing out of concern and on the behalf of my sister Tiara Arnold. She is incarcerated in SRJ (Santa Rita Jail) in Alameda County. My complaint is regarding three county sheriff's. Sgt. Michell, Deputy Pischke, and classifications Deputy Gerbaseo. They have repetitively and deliberately used their authority to accomplish their personal agenda by harassing Arnold and imposing punishments without justification or using the proper disciplinary process to discipline her. When Arnold has exercised her rights to receive due process for a disciplinary hearing her rights were violated yet she still received a write-up and the discipline was imposed. Her administrative appeals are delayed without notice or request for extensions from appeals officers. Here I will list her grievance tracking #'s (21-4186 (Oct. 12, 2021); 21-4242 (Oct. 17, 2021); 21-4261 (Oct. 19, 2021); 21-4525 (Nov. 3, 2021)).

She has been denied her education since Oct 20. Dep. Pischke denied her access to school saying that it was canceled when in fact it was not per the five key school program and attendance has been denied since. On Oct 12, 2021 the female general population was moved to another housing unit for the space needed for the intake inmates who must undergo a 14 day quarantine observation. They were also removed for their health safety. However, because Tiara was a Pod Worker she was told she had to remain behind. When she requested to swap with another voluntary worker who would consent to work with the risk of living in a small enclosed space with potentially infected/exposed inmates – she was denied with no explanation and made to live in a high risk environment. Oct 17 Tiara refused to be a voluntary worker and forfeited her privileges to remove herself out of a hazardous situation. Deputies took her title and when classifications were informed of the situation, (they were responsible with each inmates housing placement) they chose to keep her in what would be now segregation without her pod working job. During this time she had to remain the only GP (general population) inmate in an intake pod with people coming in after arrest. She did not get to go outside once for seven days. She was made to have recreation by herself. They did not allow her to eat outside her cell until she wrote a grievance. And she was allotted one hour a day, sometimes two. Being alone with limited visual, environmental and social stimulation is a punishment for the most serious rule infraction. All this is happening to her while the female GP inmates are

experiencing a completely different program without the significant hardships imposed on Tiara. I want to know why? I want to know why she was forced to be in a position to be potentially exposed to Covid-19? Why was the other pod-worker Ranisha Monk given the privilege to be safe away from the danger of Covid-19 when she volunteered to work in the conditions? Why was Tiara allowed to be discriminated against as a female when all of the male inmates who pod-work in intake houses were given the choice to choose to be a designated worker in a quarantined unit? These are the questions the administration refused to answer when I called, when Tiara's attorney Ernesto Castillo called and when Tiara asked the people who are in charge of her welfare, these are questions I want the jail to be accountable for as well as the other grievances I will list.

On Oct 15, 2021 Tiara told the housing staff she did not want to live in a hazardous pod and would rather live else-where. She was then placed in an isolated cell. Five minutes later she was told she has to go back to her assigned cell. She asked to speak with a sgt. this is when sgt. Mitchell gets involved. While she is in this cell calm and composed Officer Codde places her in restraints per sgt. Mitchell although she continues to voice her concern with intelligence and logic. When she chose to remain in the safe cell they left her there in restraints behind a secure door without the ability to have access to the toilet two ft before her within the cell. She informed them of her menstruation and officers baited her by stating she'd be able to either use the toilet before her with the cuffs behind her back and no tampon or pad or she could go to her cell. She pleaded with them to take off the cuffs while she was in the cell. They refused per Sgt. Mitchell's order. After 40 mins restrained. My sister could no longer hold her bowel movement and had to release her tampon from inside with her hands cuffed behind her back after urinating and having a feces movement she was forced to make an attempt to wipe herself also while deputy and sgt. stood behind the door without allowing her to wash her hands five deputies grabbed her while still restrained and escorted her to her cell inside the quarantined pod. She never resisted or lost composure. The following day she received a write-up for an infraction of refusing to lock down. I do not debate the rule violation, Tiara has to be accountable for the actions she chose. However, the treatment prior to the write-up and the violation of her due process rights to a fair hearing is more than questionable and the disciplinary officer who oversees the process and determined that Tiara is punished should be reprimanded – not for the mistake of a simple oversight but when he/she/or they were made aware of Tiara not receiving a

fair hearing the unit responsible for imposing punishment should have corrected/investigated the issue and delayed the loss of privileges. Yet, that did not happen. Tiara made this unfairness known through administrative appeal and by verbal appeal to all Housing staff and sgt. Jones (Female) and classification Dep Krause (Female) but no resolution has ensued. Yet her LOP (Loss of Privileges began 11-07-2021, (Grievance #21-4525) was written Nov 3, 2021.

In Oct. my sister asked to speak with classifications regarding Dep Pischke on Oct 17, 2021 beginning her shift and after being informed that classifications had decided to move Tiara with all the other females in "GP" – she interfered and requested that her move be reversed they obliged. My sister then informed me Pischke said in the dayroom area before the working pod-worker that "she can't just have a Bitch fit and get what she wants the Pod-Workers name was Lauren Davis. Pischke then spoke to Tiara and told her that because of the "incident" of her write-up she should have to stay for a little while longer. Dep. Obicere was also present during the conversation.

No officer should teach any personal lessons. Dep. Pischke was wrong to interfere with Tiara being moved out of a situation that was extremely risky to her health mentally, physically and emotionally. She was also wrong to impose her own punishment without allowing the write up to run it's own course of action she should be accountable for abusing her authority and sgt. Mitchell who continues as their Housing unit sgt was made aware of this incident and supported the unjustified action of her Deputy and did not rectify the issue.

Oct 24, 2021 Dep. Pischke further harassed Tiara by issuing a keep separate order so that Arnold could not associate with her fellow inmate's, she's been allowed to program amongst for two years. At no point has she had a rule violation that would trigger this chain of events to justify her being separate from any individual she is incarcerated with in SRJ. Yet coincidentally she has a keep separate. Per Gerbaseo Oct 25 Pischke tells Tiara Gerbaseo refuses to life the order, yet Adriana Falcon – Tiara's keep separate is allowed to live on the same tier nearly three doors down from her cell. She is then given an order that she can no longer talk nor associate with this person she calls a friend and has served two years with shares rehabilitative programs with and literally live amongst. Disobedience to a keep separate order results in a rule violation. This is provocation and triggering to any human being. This is Cruel to force someone to live in a quasi unit with the threat that if you speak with someone you've built a genuine friendship with after 2

years you will lose all your privileges, yet you have to live with this person and cross paths with them on a daily basis. Unbelievable! This is personal and these officers are creating a very difficult environment for these women not only Tiara. Dep Pischke told Tiara that Gerbaseo said that she put a target on her back. What kind of facility is being ran here?

This is harassment!

Tiara notified Dep. Sicard Badge #2495 of her fear of the actions taken against her. She also spoke with Sgt. Jones and made a harassment report with Dep. Lomac on Nov 5 and no one has spoken with Tiara and Pischke still works in her housing unit. And Gerbaseo was still authorized to impose this random keep separate. The significant hardship of this restraining order is that:

- 1) she has been removed from class while Falcon is still allowed to attend classes despite the fact that they are in separate classes.
- 2) The housing staff are provoking her by forcing her to live with a person they placed a restraining order against for reasons they will not disclose.
- 3) Tiara and Falcon both are denied reasons for knowing why they have this order imposed yet are allowed to live only a few feet away from each other.
- 4) No other inmate are imposed with these stipulations and threats.
- 5) Tiara is in a constant state of distress and frustration because these officers are allowed to abuse their authority with no correction and oversight.
- 6) Tiara was moved for unknown reasons to a different tier and they would not allow her roommate to live with her, October 28 or 29.

Nov 2 Tiara dialed #89 for badgering comments from Pischke about her sexual preference and insinuating comments that could put her in a compromising situation in jail, which eventually did. No one came to speak with Tiara, no one followed up nor offered support or information as to how to proceed forward.

Oct 4 Tiara spoke with sgt Lucha about the pred report/harassment and she asked him if he would hear her out – he denied. The following night she spoke with Dep. Sicard about the harassment and retaliation. Immediately after, she was in the presence of sgt. Smitherman and

sgt. Blaylock but they did not do their due diligence to provide Tiara any type of support or acknowledgement for her fears and concerns.

Nov 5, 2021 Tiara spoke with Dep. Lomac who did document her concerns and allegations. However, I write this letter with disgust and anger because after Tiara expressed that she seen Lomac speak with sgt Mitchell after she made her request – Today is the 9th of Nov. and no one has come to follow up and/or brief her to how to deal with the psychological effects of what has happened consecutively the past 4 weeks that has been malicious, sadistic, and cruel.

Regardless of the crime my sister committed to be incarcerated no one should feel unsafe and be subjected to the corporal bullying of officers simply because they have a personal feeling towards inmates that live under their control. I want these officers to give account for the reasons they've remained negligent, treated Tiara with deliberate indifference despite of the fact that she's voiced her concerns and filed grievances. They've violated her right to a fair hearing and completely refused to acknowledge her PREA report to housing staff, sgts and prea hotline operators.

Will you do something? Inmates are people and should be treated with the worlds evolved sense of decency and civility.

Thank you for your time.

Sincerely,

Mya Zeno

Mya Zeno
31108 BAE BURN AVE #F12
Hayward CA 94544
510 401 7126

ALAMEDA COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: ARNOLD, TIARA PFN: BIA-839 DATE: 10-13-2021 HU/FLOOR 21 E

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED 10-12-2021

Grievance Details:

On October 21 2021 all Maximum security females were removed from Hu 21 to 25 for reasons made known by classification to cur Housing Deputies I was told per classifications that I would be excluded from this move because I was a Pod worker. When I was informed I would also be required to live amongst intake quarantining inmates I declared to the Deputy Ms. Dellbridge that I do not agree to living in a intake pod. She stated that I had no choice and refusal was not an option. However there were three pod workers and one was allowed to leave with the privilege of having her job as well. I want the same courtesy and I want to be afforded the same protections as well as privileges as "Maximum security inmates. To which I am being denied because I can't program with different classifications and they pose a significant health risk to me by having to live within close proximity and confined quarters with potential a symptomatic and infected people. I am not equipped with proper PPE and resources for sanitation to live in a infectious environment. I also do not want to take the risk. The only resolution is to move me with general population and to have me deal with these inmates on a as needed basis.

INMATE SIGNATURE: [Signature]

By signing this form, you are consenting to a search of your medical, dental, or mental health records for the purpose of this investigation only. This acts as a waiver to your HIPAA rights. If you disagree with this, you must indicate so in your grievance.

DO NOT WRITE ON BACK OF THIS FORM. USE ADDITIONAL GRIEVANCE FORMS IF NECESSARY
DO NOT WRITE BELOW THIS LINE

Received by Deputy: T. Dickinson Badge# 1628 Date: 10/3/21

[] Resolved at Deputy Level Inmate Acceptance (Signature) _____
[x] Cannot be resolved at Deputy Level Grievance Tracking Number: 21-4186
PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

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INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: Arnold, Tiava PFN: BIA-839 DATE: 11/1/19 HU/FLOOR 24 W/E/12

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED 11/1/19

Grievance Details: I do not waive my 'HIPPA RIGHTS' TA
My grievance is regarding Deputy Barbent. She purposely places herself in
position to violate my personal space and be intimidating. Her bullying is
unwarranted. Today, while she advise to escort me to my visit she was hovering
over my shoulder and when dictating orders she pointed directly in my face
when I have not put up any resistance or disobeyed her orders. While in the
cell she was into my cell and I feel her hand on the door handle and
when it closes that I am hearing the attempt to close the door. Yet she
uses excessive force and jams the door with my fingers and I have sustained
a couple of times.

For the past several weeks she has been verbally critical ~~at~~ when
reporting my cell. I.e. she'll stand at my cell door and stare up and down
at an uncomfortable period of time - then order me to do something to
her preference while no other HD deputy has disagreed with my organization.

Dep. Barbent retaliates for any excuse at all on E' and Max separate groups.
All of the inmates in Max separate intimidated and uncomfortable by her demeanor
and actions. To avoid confrontation with this dep. I choose to address my question
and concerns with other present officers but she willfully disregards them and
stares for them and over them or slips in my line of sight and blocks my view.

INMATE SIGNATURE: [Signature]

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DO NOT WRITE BELOW THIS LINE

Received by Deputy: A. FINK Badge# 2432 Date: 11/2/19

[] Resolved at Deputy Level Inmate Acceptance (Signature) _____

Cannot be resolved at Deputy Level Grievance Tracking Number: 19-2836

PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

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INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: ARNOLD, TARA PFN: BIA 899 DATE: 10-17-2021 HU/FLOOR 21 A 15

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED 10-13-2021

Grievance Details:

I am a special population female and I live in an intake housing unit. I have wanted to be moved with other inmates of my classification but without explanation I have simply been denied to be situated with my classification group. Due to the charges of this being an intake house the staff cannot offer me the privileges I was afforded when Maximum females were housed here. I am being forced to be subjected to a modified program where the normal daily activities have been suspended and extremely excessive restrictions have been put in place to accommodate the needs of having an intake HU.

The following restrictions I have been subjected to is not having a 24 hour yard time in seven days. I am not allowed to eat my morning or evening meal outside of my cell. And I am not being given the pod time I normally would have if I was amongst a larger group of inmates in my classification. I now have to wait for 14 cells to be offered pod time along with the circumstances delay of food from the several mental health inmates who live here in this pod now. I am not technically in segregation but I am being treated as such in the HU who have ~~deliberately~~ ~~deliberately~~ deliberately chosen to remain in an extremely limited visual, environmental and social stimulating situation despite my request to be placed in a more suitable housing condition.

INMATE SIGNATURE: [Signature]

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DO NOT WRITE ON BACK OF THIS FORM. USE ADDITIONAL GRIEVANCE FORMS IF NECESSARY

DO NOT WRITE BELOW THIS LINE

Received by Deputy: J. STWARD Badge# 2495 Date: 10/18/2021

Resolved at Deputy Level Inmate Acceptance (Signature) _____

Cannot be resolved at Deputy Level Grievance Tracking Number: 21-4246

PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

ALAMEDA COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: Arnold, TIARA PFN: BIA-839 DATE: 10-17-2021 HU/FLOOR 21-A-15

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED 10-13-2021

Grievance Details:

in addition to all i have mentioned above. According to the Title 15 'Modified Program' is a suspension or restriction of activities and/or movement that affects some programs or some people".
The treatment i am experiencing now that i am forced to be housed here is an individual issue. I am the only maximum security female in this house other than the Port worker — and her schedule don't coincide with the time the Deputies allow me to come out of my cell, so I am forced to program alone.
Based on the title 15 regulation no one individual can be subject to this type of program without justifiable reason. It was to affect a majority of others as well.
My rights to equal protection are being violated. Please resolve this issue by allowing me to be situated with normalized individuals where I don't have to be subject to this significant hardship of restriction in relation to the ordinary incidents of incarceration.
Thank you for your time.

INMATE SIGNATURE: [Signature]

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DO NOT WRITE ON BACK OF THIS FORM. USE ADDITIONAL GRIEVANCE FORMS IF NECESSARY
DO NOT WRITE BELOW THIS LINE

Received by Deputy: J. SICARD Badge# 2495 Date: 10/18/2021

Resolved at Deputy Level Inmate Acceptance (Signature) _____
 Cannot be resolved at Deputy Level Grievance Tracking Number: 21-4246
PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

ALAMEDA COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: TINA APNOU PFN: BIA-839 DATE: 10/19/2021 HU/FLOOR: 3/1121

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED: Oct 19 2021

Grievance Details:

I am a current patient with the Mental Health program. I had a significant break down on Thursday October 14, 2021 that led to an incident where I stalled in locking down in my cell because I wanted to speak with someone that could read me address my issues. The Medication and Mental Health are the only staff who could assist in helping me. At the best of the moment medication staff tried talking to me but without understanding or willingness to assist me out of having to live isolated in a 8 intake hu unit.

Living to be housed in a structured and setting with limited visual, environmental and no social stimulation is affecting me mentally. Since I haven't done anything to get this type of treatment I am struggling ~~emotionally~~ emotionally. I believe that since I display a high capacity to withstand struggles and carry myself in a balanced way, with the ability to communicate intelligently my mental health status is not being considered. Mental Health has not been notified until I pressed the medical emergency button Oct 20 2021 and spoke with Dep. Colbert the Mental Health

INMATE SIGNATURE: [Signature]

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DO NOT WRITE ON BACK OF THIS FORM. USE ADDITIONAL GRIEVANCE FORMS IF NECESSARY
DO NOT WRITE BELOW THIS LINE

Received by Deputy: B. B. [Signature] Badge# 2382 Date: 10/20/21

Resolved at Deputy Level Inmate Acceptance (Signature) _____
 Cannot be resolved at Deputy Level Grievance Tracking Number: 21-42101
PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

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INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: Arnold, Tiara PFN: BIA-839 DATE: 11-3-2021 HU/FLOOR A pod cell 3

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED 10-16-2021

Grievance Details:

Nov 03 2021 I received an ACSO inmate disciplinary notification report and I am now informed that my loss of privileges began 11-07-2021 to 12/06/21. However, I was never given a proper procedural hearing. My due process rights have been violated because I was not offered a fair hearing for the reasons listed below. (A.P. 15 3320(c))
1) The hearing officer attempted to initiate my hearing approx 26 to 27 Hr after I was notified of my rule violation allegations, which violates my right to a 24 Hr hearing. 2) Before my hearing officer said he would begin my hearing he told me he was going to an interview my witnesses since he was unaware that I wanted witnesses interviewed. I am now informed that a hearing officer ~~shall not~~ has to be impartial and ~~not~~ shall not be actively apart of the investigation Penal code 52952(c)(1) therefore my right was violated to an impartial hearing officer and a fair hearing. 3) My hearing was never completed on Oct 16 2021. After the investigation was substantiated, a new officer was not provided nor did the first one return. A hearing officer is suppose to review evidence, determine innocence or guilt, and then order punishment while I am present. I was denied this right and I did not waive my ~~hearing~~ right to be present for my hearing before my final disposition was imposed.

INMATE SIGNATURE: [Signature]

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DO NOT WRITE ON BACK OF THIS FORM. USE ADDITIONAL GRIEVANCE FORMS IF NECESSARY

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Received by Deputy: J. SICARD Badge# 2495 Date: 11/04/2021

Resolved at Deputy Level Inmate Acceptance (Signature) _____

Cannot be resolved at Deputy Level Grievance Tracking Number: 21-4525-21294111

PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

ALAMEDA COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: TIARA APNOLD PFN: 91A-839 DATE: 10-18-2021 HU/FLOOR 21-A 15

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED 10-18-2021

Grievance Details:

Today I was awoken at 9:30 by the technician to be informed that I had missed my visit an hour before scheduled for 8:30. At 8:30 I was not notified, nor released out of my cell to be allowed to attend my visit.

There is a list printed everyday of appts for scheduled video visits. During the time of my visit an intake inmate who is a BHI classification was allowed out for their pod time. No Deputy came to notify me of my visit.

SHANE JONES then seen my friend CARLISSA BROOKS on the screen and spoke with the technician who informed her that she would take care of it. Yet no Deputy came and two were on shift at the time. Nor was the inmate told to lock down or secured in her cell so that it would be safe for me to come out to attend my visit.

Finally at 9:30 I was awoken from my sleep to be told that my visit was missed. I spoke with Deputy PSICHE who gave me the impression that she never knew I had a visit. This is unacceptable because there was a list printed the tech was notified and during her security checks she would have seen a active video screen with no inmate present.

INMATE SIGNATURE: [Signature]

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Received by Deputy: PSICHE Badge# 228 Date: 10/19/21

[] Resolved at Deputy Level Inmate Acceptance (Signature) [Signature]

Cannot be resolved at Deputy Level Grievance Tracking Number: 21-42100

PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

ALAMEDA COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: ADRIANA FALCON PFN: BJG868 DATE: 11/1/21 HU/FLOOR 21

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED Oct. 24. 2021

Grievance Details:

On Oct 21 I was moved from HU 35 to HU 21. The move was facilitated by Dep. and SGTs. I was told also that my placement was authorized by Dep. Gerbasco of Classifications. I was moved into a pod room 13 without incident and overseen by all staff who facilitated the move. I was not informed at this time that I had a stay away order with Tara Arnold nor did any deputy who is assigned to this HU tell me that I was not to speak with Arnold. From that time forward if my housing assignment was a mistake several Dep. who worked in the HU including Sgt. Blaylock who worked ~~there~~ Friday night Oct. 22 would have corrected this mistake. On Sun Oct. 29 Dep. Psyche started her shift. She began pod time at 8:00 and released the upper tier ~~there~~ ^{put} my room was randomly placed on lock out so that I could not program with everyone I was confused and left in this state of confusion. I asked the technician Kalisi why I could not come out she said to talk with Dep. Psyche. As I stood at my window I noticed Psyche address Arnold who she told to step outside the pod. After about 25 mins Arnold explained to me that Psyche informed her that she and I now have a KSF and it has been there for a week. When she inquired 'why?' Psyche told her that classification Dep. Gerbasco made the decision and that she does not know why or what caused this chain of events. During that day shift Psyche decided not to speak with me about the new order although she walked pass my cell several times and also had the conversation with Arnold. I have not received any verbal corrections.

INMATE SIGNATURE: A Falcon

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DO NOT WRITE BELOW THIS LINE

Received by Deputy: J. SICARD Badge# 2495 Date: 11/1/2021

Resolved at Deputy Level
 Cannot be resolved at Deputy Level
Inmate Acceptance (Signature) _____
Grievance Tracking Number: 21-4469
PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

ALAMEDA COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORM



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Santa Rita Jail [] Glenn E. Dyer Detention Facility

NAME: ADRIANA FALCON PFN: BTG868 DATE: 11/1/21 HU/FLOOR 21

Only one grievance issue per form ---- (Subject to refusal if failure to comply) DATE GRIEVANCE OCCURRED OCT. 24. 2021

Grievance Details:

I HAVE NOT RECEIVED ANY DISCIPLINARY REPORT FOR MISCONDUCT THAT PERTAINS TO ARNOLD. I HAVE NOT BEEN DISRESPECTFUL TO ARNOLD WITH ANY SCANDAL GESTURES OR AGGRESSIVE BEHAVIORS TO HAVE DESERVED THIS STAY AWAY ORDER. ARNOLD HAS ALSO TOLD ME SHE DID NOT ASK FOR A STAY AWAY ORDER. I AM BEING BAGGERED, PROFILED AND TARGETED BY PSYKIC AND GERBASCO FOR NO JUSTICE REASON. I HAVE REMAINED WRITE UP FREE FOR OVER A YEAR. PLEASE RECTIFY THIS ISSUE.

INMATE SIGNATURE: AF

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DO NOT WRITE BELOW THIS LINE

Received by Deputy: J. SICARD Badge# 2495 Date: 11/1/2021

Resolved at Deputy Level Inmate Acceptance (Signature) _____
 Cannot be resolved at Deputy Level Grievance Tracking Number: 21-4469
PREA Tracking Number: _____

The Deputy who received the inmate's grievance shall attach an Inmate Grievance Response Supplemental Form (ML-53) detailing how they resolved or attempted to resolve the inmate's grievance.

Agenda Item G

MEETING DATE: April 7, 2022

AGENDA ITEM: G

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Minimum Standards for Local Juvenile Detention Facilities, Title 15, and Title 24 Begin Regulation Revision Process, Appoint Co-Chairs: **Requesting Approval**

Summary

BSCC staff is requesting that the BSCC Board appoint co-chairs to the Juvenile Titles 15 and 24 Regulations Revision Executive Steering Committee.

In addition, BSCC staff will provide an update on the Juvenile Regulations Revision initial planning process, which will include launch of a community input period, additional opportunities for community listening sessions and participation, and selection of ESC members who bring a variety of experience and subject-matter expertise.

Background

The Board is authorized to develop regulations for the operation of local juvenile detention facilities pursuant to Welfare and Institutions Code sections 210 and 885. As part of this responsibility, the BSCC regularly reviews and revises the minimum standards for the operation and design of local juvenile detention facilities. The BSCC's practice is to develop regulations and propose revisions with input from subject-matter experts, community members, and through public participation to ensure that minimum standards are developed that reflect best practices.

A vital, early step in the revision process is forming an ESC that represents the broad interest that exists in developing regulations for juvenile detention facilities that are aligned with national best practices and that provide the youth with safe and stable facilities.

Board Members Kirk Haynes and Miguel Garcia have agreed to serve as co-chairs of the Juvenile Regulations Revision ESC. Upon Board approval, BSCC staff will work with the co-chairs to select ESC members that represent experience and subject-matter expertise in a variety of areas, including lived experience, impact on community, facility management, advocacy, adolescent health care, adolescent behavioral health care, trauma-informed care, nutrition, and education. Katherine Lucero, recently appointed director of the Office of Youth and Community Restoration, has agreed to participate on the ESC to assist with the development of standards for Secure Youth Treatment Facilities.

Staff has received several statements of interest from people who are willing to serve on the ESC. Anyone who is interested is encouraged to submit a statement of interest no later than April 15, 2022 by using the following link: <https://www.bscc.ca.gov/wp-content/uploads/Juv-Regs-Revision-ESC-Recruit-2.10.22.pdf>

As the ESC is being formed, BSCC staff will begin a community input period that will include many and varied opportunities for feedback. Interested people may submit specific recommendations for revision through a short survey on the BSCC website that will be open for a 90-day period April 8, 2022, and close July 7, 2022. In addition, the BSCC will also host listening sessions grouped by subject-matter areas. The BSCC is also actively working to fund community listening sessions and surveys of youth and community members impacted by detention. We will provide more detail on the BSCC website and to the Board as it becomes available.

The BSCC is committed to receiving meaningful feedback about Titles 15 and 24 regulations for juvenile detention facilities as early in the process as possible. As feedback is received, BSCC staff will be analyzing feedback for alignment with best practices and for potential incorporation into regulations. BSCC staff plan to provide the ESC with a framework for development of regulations revision grounded in meaningful feedback.

Recommendation/Action Needed

Approve the appointment of Board Members Kirk Haynes and Miguel Garcia as co-chairs of the Juvenile Regulations Revision ESC and launch the public input process as described above.

Agenda Item H

MEETING DATE: April 7, 2022 **Agenda Item H**

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, Allison.Ganter@bscc.ca.gov
Lisa Southwell, Field Representative, Lisa.Southwell@bscc.ca.gov
Aaron Maguire, General Counsel, Aaron.Maguire@bscc.ca.gov

SUBJECT: Reinspection of Los Angeles County Juvenile Hall – Determination of Suitability – (Welf. & Inst. Code, § 209, subd. (a)(4) & (d))
Barry J. Nidorf Juvenile Hall, Los Angeles County: **Requesting Approval**

Summary

This report provides information regarding the ongoing monitoring of the Los Angeles County Juvenile Halls and requests the Board to make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (d) for the Barry J. Nidorf Juvenile Hall in the County of Los Angeles with respect to the status of its corrective action plan involving noncompliance with section 1354.5 of Title 15, Room Confinement.

Background

On November 15, 2021, the Barry J. Nidorf Juvenile Hall and Central Juvenile Hall in the County of Los Angeles were notified that they were out of compliance with the following items of noncompliance:

Barry J. Nidorf Juvenile Hall

§ 1354.5, Room Confinement

Central Juvenile Hall

§ 1327, Safety Checks

§ 1354.5, Room Confinement

§ 1371, Programs, Recreation, and Exercise (added 2/08/2022)

On December 10, 2021, we received the agency's corrective action plan, which was approved. This corrective action plan required the agency to outline how they intended to correct the issues of noncompliance and to come into compliance within a reasonable timeframe, not to exceed 90 days or by March 10, 2022 (Attachment H-1).

On March 10, 2022, the BSCC was notified by Los Angeles County Probation that they intended to suspend operations at the Central Juvenile Hall and transfer the youth housed there to the Barry J. Nidorf Juvenile Hall for 90 days to "assist in facilitating leadership changes, training for staff and needed repairs to the facility." (Attachment H-2) The BSCC reinspection for the above noted items of noncompliance was scheduled to begin on March 14, 2022. (Attachment H-3) On March 14, 2022, the BSCC was informed that there were no

longer youth housed in the facility, which BSCC confirmed when BSCC staff conducted a site visit at the Central Juvenile Hall on March 17, 2022.

Because youth were no longer being housed at the Central Juvenile Hall at the time of reinspection, an inspection for the above noted items of noncompliance was not conducted at the facility. When youth are returned to the facility following the 90-day suspension of operations, BSCC staff will conduct a reinspection.

Between March 14 and March 29, 2022, Field Representative Lisa Southwell conducted an inspection of Barry J. Nidorf Juvenile Hall to determine compliance with the agency's corrective action plan related to Title 15, § 1354.5, Room Confinement. The issue of noncompliance cited in November 2021 related to youth being locked in their rooms for longer than "brief periods necessary for institutional operations" during shift change.¹ As part of their corrective action for a previous finding of noncompliance, Los Angeles County issued an internal memo on November 16, 2021, which provides that youth shall be placed in their rooms only for the amount of time necessary for shift change, "but no more than 30 minutes at the end of AM shift and beginning of PM shift" (one hour total).

During this inspection, Ms. Southwell reviewed documentation including unit logbooks, unit status sheets, self-separation logs, supervisor review of video logs and list of corrective action, and supervisor meeting minutes. She also reviewed video from 10 randomly selected days between February 2 and March 10, 2022 and spoke with more than 110 youth housed in the facility to determine if the facility was complying with its policy of placing youth in their rooms for only the amount of time necessary for shift change, and no more than one hour, according to the facility policy.

Based on the information reviewed during inspection, it appears that Barry J. Nidorf remains out of compliance with section 1354.5, Room Confinement. Specifically, youth were placed in their rooms for periods of time exceeding what Los Angeles County Probation Department has determined is necessary for institutional operations. This is based on the November 16, 2021, Los Angeles Probation Department memo, which provides that youth shall be placed in their rooms only for the amount of time necessary for shift change, "but no more than 30 minutes at the end of AM shift and beginning of PM shift." (Attachment H-4) Based on our review of 80 shift changes across eight units, these time limits were exceeded over 50 percent of the time. It should be noted that several shift changes exceeded limits by only a few minutes.

Although the facility appeared to be out of compliance with section 1354.5, Room Confinement through March 10, 2022, the Los Angeles County Probation Department has made significant strides in overall corrective action and system improvement since March 10. When the Central Juvenile Hall suspended operations after March 10, several transitions in leadership were made at both juvenile halls, and an early review of documentation and conversations with youth currently housed at the facility indicate that corrective action and system improvement continue to be made.

¹ The definition of "room confinement" excludes "confinement of a youth in a locked single person room for brief periods as may be necessary for required institutional operations." (Cal. Code Regs., tit. 15, § 1302.)

Youth interviewed during the inspection reported that room confinements at the facility were improved and have not been excessive; youth stated they were out of their rooms for most of the day, with the exception of shift change, and that staff members were removing them from their rooms as soon as the next shift was ready. This is a marked shift from previous reports from youth at the facilities.

Based on the information we have reviewed demonstrating a positive trend toward corrective action, including the temporary suspension of the use of Central Juvenile Hall, BSCC staff is recommending a continuance of the determination of suitability. BSCC staff will reinspect the Barry J. Nidorf Juvenile hall within 30 days to determine compliance with regulations and the agency's corrective action plan.

Recommendation/Action Needed

Staff recommends that the Board:

1. Continue the determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4), for the Barry J. Nidorf Juvenile Hall to the June 9, 2022 board meeting.
2. Direct staff to conduct a reinspection within 30 days to determine compliance with the December 10, 2022 corrective action plan and Title 15 § 1354.5, Room Confinement.

Attachments

H-1: BSCC Corrective Action Plan: December 2021

H-2: Corrective Action Plan March 10, 2022

H-3: Response to Los Angeles County 3-11-2022

H-4: Memo – BSCC Section 1354.5 Room Compliance Guide

H-5: Notice of Determination of Suitability Letter to Los Angeles 3-29-2022

Attachment H-1



ADOLFO GONZALES

Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

ADULT & JUVENILE SERVICES
9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242
(562) 940-2513



December 10, 2021

Board of State and Community Corrections
Attention: Lisa Southwell, BSCC, Field Representative
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

COUNTY OF LOS ANGELES PROBATION DEPARTMENT – JUVENILE FACILITIES CORRECTIVE ACTION PLAN

Dear Ms. Southwell:

The Board of State and Community Corrections (BSCC) conducted inspection activities and suitability oversight at both the Barry J. Nidorf Juvenile Hall (BJNJH) and the Los Angeles County Central Juvenile Hall (CJH) from September 23, 2021 through November 12, 2021. During this reinspection process, the BSCC identified the following new items of non-compliance:

Title 15, Section 1354.5 – Room Confinement

At both Barry J. Nidorf and Central Juvenile Halls, youth reported that they were periodically being placed in their locked rooms for long periods of time after fights, during visiting, before and during showers, at shift change, and were placed in their room when the group was split to minimize the possibility of unit disturbance and incidents (“modified program”) due to gang or other unit problems. Youths’ reports of room confinement were confirmed in video reviews. These incidents of room confinement were not documented. While some of the incidents could be described as “brief” and “necessary for required institutional operations,” after reviewing the video and speaking with facility staff and youth, BSCC staff determined that many of these placements could not be reasonably characterized as brief or necessary for required institutional operations.

Title 15, Section 1328 - Safety Checks

At Central Juvenile Hall, while reviewing video footage, BSCC staff observed several instances of staff not conducting safety checks in accordance with regulation. Staff were observed not completing the safety check in a timely manner, allowing significant amounts of time between checks, and not looking in the youth’s window into the room to personally see youth’s movement and/or skin.

BSCC Corrective Action Plan
December 10, 2021
Page 2 of 4

The BSCC provided a written Notice of Noncompliance regarding these two items on November 15, 2021. This Notice of Noncompliance documents that these issues were brought to the attention of the Department on October 15, 2021, at which time corrective action was immediately initiated. The Notice of Noncompliance further states, "it should be noted that there has been significant improvement in instances of room confinement after this date. Safety checks will be reviewed at reinspection."

In response to these findings, the Department has addressed each of these items with the following solutions:

Title 15, Section 1354.5 – Room Confinement (BJNJH and CJH)

A mandatory four-hour BSCC Title 15 training was provided to all sworn staff at both the BJNJH and CJH during the month of October 2021 (10/18/2021 – 10/24/2021 at CJH and 10/25/2021 – 10/31/2021 at BJNJH). This training covered Title 15 Regulations, Updates to BSCC compliance, Safety Checks, Self-Separation, Room Confinement, Specialized Supervision Plans, Unit Classifications, Use of Mechanical Restraints and Title 15 Programming. In addition to the four-hour mandatory training, a BSCC refresher course will be provided during the required two-week block training to keep staff apprised of all regulations and policies. The BSCC Subject Matter Experts (SMEs) will conduct annual training on current and new BSCC regulations. Additionally, on-going training is occurring during Staff Meetings. An Instructional Memorandum (*BSCC Section 1354.5 Room Confinement Compliance Guide*) was sent to Juvenile Hall Staff on November 16, 2021 to specifically address room confinement during transitional times such as shift change, showers and after incidents.

Cool Down Rooms are being utilized as an alternative to the Healing Opportunities and Positive Engagement (HOPE) Centers, which have significantly decreased incidents of room confinement within our facilities. Each HOPE Center has established a daily report for documenting the number of youths in room confinement, on a cool down or Specialized Supervision Program (SSP). This report is audited daily by BSCC SMEs to ensure compliance with Title 15 Regulations. Daily reports are being provided to Administration to monitor incidents of room confinement.

The placement of any youth in room confinement, even for brief periods of time necessary to conduct required institutional operations, is documented in Unit Log Books. Documentation will continue to be reviewed daily and if any concerns are identified, the facility will be immediately contacted to make the correction. The Quality Assurance (QA) Team and BSCC SMEs are providing immediate real-time training when corrections are required.

Managers and the QA Team at both facilities are conducting random video reviews during critical times of the day such as school, visiting, religious services and in the evenings. Additionally, all videos are reviewed after an incident has occurred to ensure room confinement is not occurring unless within policy in the HOPE Center.

BSCC Corrective Action Plan
December 10, 2021
Page 3 of 4

The Video and In-Person Observation Log continues to be utilized by managers when conducting random video reviews of Title 15 Programming and/or walking through units. Each manager is required to provide immediate correction and instruction when witnessing non-compliance. In the event of any potential egregious behavior, a referral for disciplinary action is required.

The Compliance Unit at each facility continues to review documentation to ensure compliance with BSCC regulations, which includes but is not limited to, justification for room confinement. Any documentation requiring additional clarification is immediately referred to the Compliance Unit Supervisor who follows up and provides training.

Title 15, Section 1328 – Safety Checks (CJH)

A mandatory four-hour BSCC Title 15 training was provided to all sworn staff at both the BJNJH and CJH during the month of October 2021 (10/18/21 – 10/24/2021 at CJH and 10/25/2021 – 10/31/2021 at BJNJH). This training covered Title 15 Regulations, Updates to BSCC compliance, Safety Checks, Self-Separation, Room Confinement, Specialized Supervision Plans, Unit Classifications, Use of Mechanical Restraints and Title 15 Programming. In addition to the four-hour mandatory training, a BSCC refresher course will be provided during the required two-week block training to keep staff apprised of all regulations and policies. The BSCC SMEs will conduct annual training on current and new BSCC regulations. Additionally, on-going training is occurring during Staff Meetings. An Instructional Memorandum (Safety Checks) was sent to Juvenile Hall Line Staff on November 16, 2021 reminding staff of Department policy specific to Safety Checks, pursuant to Title 15 Regulations. An Instructional Memorandum (Safety Checks) was also sent to Juvenile Hall Supervisors on November 16, 2021 reminding supervisors of their responsibilities specific to Safety Checks, per Department policy.

Managers and the QA Team are conducting random video reviews to ensure staff have a direct visual observation of youth at a minimum of every 15 minutes, at random or varied intervals, when youth are asleep or when youth are in their rooms. Safety Check Sheets are also being monitored to ensure compliance with Title 15 regulations. Further, the Department is exploring the possibility of implementing technology designed to support the supervision of youth while in their rooms.

The Video and In-Person Observation Log continues to be utilized by managers when conducting random video reviews of Title 15 Programming and/or walking through units. Each manager is required to provide immediate correction and instruction when witnessing non-compliance. In the event of any potential egregious behavior, a referral for disciplinary action is required.

The Department is committed to ensuring and maintaining compliance with Title 15 Regulations. Should you have any questions regarding this Corrective Action Plan, please do not hesitate to contact my office or Chief Deputy Karen Fletcher at (562) 441-8043.

BSCC Corrective Action Plan
December 10, 2021
Page 4 of 4

Sincerely,

A handwritten signature in black ink that reads "Adolfo Gonzales". The signature is written in a cursive style with a large initial 'A'.

Dr. Adolfo Gonzales
Chief Probation Officer

cc:

Fesia Davenport, Chief Executive Officer, Los Angeles County
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Celia Zavala, Executive Officer, Board of Supervisors
Rodrigo Castro-Silva, County Counsel, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission

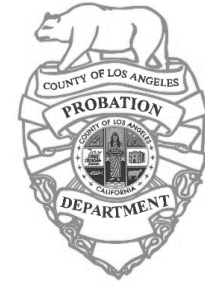
Attachment H-2



COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY – DOWNEY, CALIFORNIA 90242

(562) 940-2501



ADOLFO GONZALES

Chief Probation Officer

March 10, 2022

Board of State and Community Corrections
Attention: Allison Ganter, BSCC, Deputy Director
Lisa Southwell, BSCC, Field Representative
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

COUNTY OF LOS ANGELES PROBATION DEPARTMENT – CENTRAL JUVENILE HALL CORRECTIVE ACTION PLAN (CAP)

Dear Ms. Ganter and Ms. Southwell:

The Board of State and Community Corrections (BSCC) conducted a site visit and inspection at the Los Angeles County Central Juvenile Hall (CJH) on February 3, 2022. During this site visit, the BSCC identified the following new items of non-compliance:

Title 15, Section 1354.5 – Room Confinement

This regulation requires that youth are not placed on room confinement for specific reasons to include, punishment, coercion, convenience, or retaliation. The regulation states that youth may be placed on room confinement for up to four hours if staff take specific action and create a plan to return the youth to general population in consultation with mental health or medical staff.

Title 15, Section 1371 – Programs, Recreation, and Exercise

This regulation requires that facility managers minimize the amount of time youth are in their room, and that each youth receive time each day for programming, access to unscheduled activities (recreation), and opportunity for one hour of large muscle exercise.

The BSCC provided a written Notice of Noncompliance regarding these two items on February 8, 2022. Since these new findings were similar to those addressed in the Department's December 10, 2021 CAP, the BSCC advised that these new findings would be added to the existing CAP process.

These two items were specifically related to one youth who had been placed in medical isolation status in error. Upon identifying the error, the youth was immediately transitioned from isolation status to quarantine status, per COVID health guidelines provided by the

BSCC Corrective Action Plan
March 10, 2022
Page 2 of 3

County's Juvenile Court Health Services (JCHS). Per JCHS guidelines, the youth was required to remain in quarantine status for an additional two days (February 2, 2022 through February 4, 2022). While in quarantine status for the identified two-day period, due to spike in COVID cases and exposures at CJH, it was necessary to adjust youth housing to limit cross contamination and further COVID exposures. In this situation, the youth's activities were limited for a total of 21.5 hours from 4:30pm on February 2, 2022, to approximately 2:00pm on February 3, 2022, at which time the youth was moved to another unit where programming and activities were restored.

Per the solutions outlined in the Department's CAP, all sworn staff at CJH received a mandatory four-hour BSCC Title 15 training session during the month of October 2021 (10/18/2021 – 10/24/2021). This training covered Title 15 Regulations, Updates to BSCC compliance, Safety Checks, Self-Separation, Room Confinement, Specialized Supervision Plans, Unit Classifications, Use of Mechanical Restraints and Title 15 Programming. In addition to the four-hour mandatory training, a BSCC refresher course is being provided during the required two-week block training to keep staff apprised of all regulations and policies. The Department remains committed to the BSCC Subject Matter Experts (SMEs) conducting annual training on current and new BSCC regulations. Additionally, on-going training is occurring during Staff Meetings.

Cool Down Rooms have continued to be utilized as an alternative to the Healing Opportunities and Positive Engagement (HOPE) Centers, which have significantly decreased incidents of room confinement within our facilities. The HOPE Center has established a daily report for documenting the number of youths in room confinement, on a cool down or Specialized Supervision Program (SSP). This report is audited daily by BSCC SMEs to ensure compliance with Title 15 Regulations. Daily reports continue to be provided to Administration to monitor incidents of room confinement.

The placement of any youth in room confinement is documented in Unit Log Books. Documentation continues to be reviewed daily and when concerns are identified, immediate corrective action is taken. The Quality Assurance (QA) Team and BSCC SMEs provide immediate real-time training when corrections are required.

The Video and In-Person Observation Log continues to be utilized by managers when conducting random video reviews of Title 15 Programming and/or walking through units. Each manager is required to provide immediate correction and instruction when witnessing non-compliance. In the event of any potential egregious behavior, a referral for disciplinary action is required.

The Compliance Unit has continued to review documentation to ensure compliance with BSCC regulations, which includes but is not limited to, justification for room confinement. Any documentation requiring additional clarification is immediately referred to the Compliance Unit Supervisor who follows up and provides training.

BSCC Corrective Action Plan
March 10, 2022
Page 3 of 3

The Probation Department has worked diligently to address the items of non-compliance outlined in our CAP dated December 10, 2021, and in the new items of non-compliance identified during the site visit and inspection at Central Juvenile Hall on February 3, 2022. To further address systematic issues and make sustainable enhancements to ensure compliance with Title 15 regulations, the Department plans to suspend the operations at our CJH for ninety (90) days to assist in facilitating leadership changes, training for staff and needed repairs to the facility. This brief suspension of operations will include moving our youth to Barry J. Nidorf Juvenile Hall to accomplish these changes and enhancements. During these ninety (90) days, the Department will maintain an Intake Unit for law enforcement agencies to book youth into custody, a Medical Unit to provide medical screening clearances and services, and a Court holding area for youth appearing at the Eastlake Juvenile Court facility. This Court holding area will also afford attorneys access to their clients before and after Court.

At the conclusion of the ninety (90) days, youth will be returned to CJH in a phased approach to ensure the safety and security of our youth, partners, and staff. Upon return to CJH, the Department will request that the BSCC return to conduct their inspection of CJH with the intent of successfully concluding this inspection cycle. During the week of March 14, 2022, we will expect that BSCC will be on-site to conduct the inspection of Barry J. Nidorf Juvenile Hall and subsequently each of our Camp facilities.

As indicated in our responses to the BSCC during this process, the Department continues to be committed to ensuring and maintaining compliance with Title 15 Regulations. Should you have any questions, please do not hesitate to contact my office or Chief Deputy Karen Fletcher at (562) 441-8043.

Sincerely,



Dr. Adolfo Gonzales
Chief Probation Officer

cc:

Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Fesia Davenport, Chief Executive Officer, Los Angeles County
Celia Zavala, Executive Officer, Board of Supervisors
Rodrigo Castro-Silva, County Counsel, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission

Attachment H-3



March 11, 2022

Dr. Adolfo Gonzales, Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

Dear Chief Gonzales:

We are in receipt of your letter dated March 10, 2022, outlining the county's plan to temporarily remove youth from the Central Juvenile Hall for a period of 90 days.

As outlined in our December 12, 2021 and February 8, 2022 correspondence, the Los Angeles County Probation Department Central Juvenile Hall was required to remedy the following items of noncompliance no later than March 10, 2022:

Barry J. Nidorf Juvenile Hall

- § 1328, Safety Checks (based on October 15, 2021 notice of noncompliance)

Central Juvenile Hall

- § 1328, Safety Checks (based on October 15, 2021 notice of noncompliance)
- § 1354.5, Room Confinement (based on October 15, 2021 and February 8, 2022 notice of noncompliance)
- § 1371, Programs, Recreation, and Exercise (based on February 8, 2022 notice of noncompliance)

As you are aware, Field Representative Lisa Southwell was scheduled to conduct a reinspection of both Barry J. Nidorf and Central Juvenile Hall on March 14, 2022 to determine whether the items of noncompliance had been remedied by the March 10, 2022 deadline. If either facility remained out of compliance, the Board would then be required to make a determination of suitability at its April 7, 2022 board meeting pursuant to Welfare and Institutions Code section 209, subdivision (d).


In your correspondence, you have indicated that you plan to suspend operations at the Central Juvenile Hall facility to make leadership changes, conduct staff training, and make repairs to the facility. Youth will be moved to Barry J. Nidorf Juvenile Hall for a period of 90 days, but the department will maintain an intake unit, a medical unit, and a

court holding area at the Central Juvenile Hall. To the extent youth are no longer being housed at Central Juvenile Hall and it is no longer operating as a juvenile hall, we would agree that postponing the reinspection process would be appropriate. Under this plan, while Central Juvenile Hall's operations are suspended, we would expect that youth will not be detained longer than necessary to accomplish intake, medical screening, or court appearances (and under no circumstance overnight) and will be transported immediately offsite after those tasks are accomplished.

Based on your correspondence it is not clear when the Central Juvenile Hall will be vacated. As such, if youth remain housed at Central Juvenile Hall on March 14, 2022, Field Representative Southwell will begin the reinspection process of the facility as previously scheduled. In addition, please be advised that BSCC staff will also conduct both announced and unannounced inspections from March 14, 2022 through June 12, 2022 during this 90-day suspension of operations to verify that the facility is not operating as a juvenile hall. We will share the Probation Department's plan for suspension of operations with the BSCC Board at the April 7, 2022 meeting. If, however, youth remain housed at the Central Juvenile Hall and the facility remains out of compliance the above-reference regulations, the Board will make a determination of suitability at the April 7, 2022 meeting.

After the phased return of youth to the facility on June 12, 2022, the BSCC will return to conduct the reinspection of the Central Juvenile Hall for the above noted items of noncompliance. While we appreciate the need to suspend operations to implement a modified Corrective Action Plan, after reinspection, a determination of suitability of the Central Juvenile Hall will be made by the BSCC Board at its next regularly scheduled meeting following BSCC staff reinspection.

Sincerely,



ALLISON GANTER
Deputy Director

cc:

Kathleen T. Howard, Executive Director
Aaron R. Maguire, General Counsel Allison Ganter, Deputy Director
Lisa Southwell, Field Representative, Board of State and Community Corrections
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Fesia Davenport, Chief Executive Officer, Los Angeles County
Celia Zavala, Executive Officer, Board of Supervisors
Rodrigo Castro-Silva, County Counsel, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission

Attachment H-4



ADOLFO GONZALES
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY
DOWNEY, CALIFORNIA 90242
(562) 940-2501



November 16, 2021

TO: Juvenile Hall Staff
Detention Services Bureau

FROM: Mark Garcia, Bureau Chief
Detention Services Bureau M. G.

SUBJECT: **BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)
SECTION 1354.5 ROOM CONFINEMENT COMPLIANCE GUIDE**

This memo serves as a reminder that to ensure continued compliance BSCC regulations, staff shall:

- Only place youth in rooms when necessary for required institutional operations ie. Shift Change, transitions, post incident etc. Once the activities are completed, then the youth should be allowed to return to the regular program being offered at that time. Staff shall use good judgement and ensure that youth are not kept in their rooms beyond what is reasonable for the activity. If a youth wants to go to his or her room, he or she shall complete a Self-Separation Form. The youth shall document why they wish to go to their room and sign the form.
- Questions have continued to be raised regarding Shift Change, Showers and Post Incidents regarding timelines.
 - Staff shall only use the amount of time necessary to accomplish shift change activities but no more than 30 minutes at the end of AM shift and beginning of PM shift. Once completed the youth must be returned to program.
 - Showers may begin after 8PM. Staff should be scheduling shower times based on the dynamics of the unit. Population, number of showers, number of keep separates, single showers etc. Staff shall not begin showers early if the result is that the youth stay in their room longer. Staff may shower youth early if this results in youth coming out for additional programming

Section 1354.5 Room Confinement Compliance Guide

November 16, 2021

Page 2 of 2

but not for the purpose of going to bed earlier. For those youth that take nighttime medications that cause drowsiness, staff have the option to shower these youth as appropriate and as early as necessary after LME has been conducted. Staff are encouraged to determine what process timeline works best for the unit schedule and discuss with your supervisor for approval.

- Post incident: In some cases, involved youth or the group may be placed in their rooms in order to gain control of the situation and make the unit safe. Staff shall ensure that all involved youth are managed and addressed quickly in order to resume programming in a reasonable time specific and relative to the incident. Contact the OD for staffing resources as necessary. Reports must be documented and include times in which youth were secured and brought out to resume programming.

Facility management will be conducting video audits to ensure compliance with BSCC regulations.

If you have questions regarding this memorandum, please contact your immediate Supervisor or Director.

MG:nb

cc: Dalila Alcantara, Deputy Director – Juvenile Institutions Bureau

Attachment H-5



March 29, 2022

Dr. Adolfo Gonzales
Chief Probation Officer
Los Angeles County Probation Department
1601 Eastlake Avenue
Los Angeles, California 90033

*****PLEASE TAKE NOTICE*****

Dear Chief Gonzales:

This letter is to provide you with written notice that the California Board of State and Community Corrections will make a determination of suitability of the Barry J. Nidorf Juvenile Hall at its next scheduled board meeting on **April 7, 2022** pursuant to Welfare and Institutions Code section 209, subdivision (d).¹

The Board of State and Community Corrections (BSCC) establishes the minimum standards for juvenile halls and camps and conducts biennial inspections of those facilities. (Welf. & Inst. Code, §§ 209, 210, & 885.) Regulations setting forth these minimum standards can be found in Sections 1300-1511 of Title 15 of the California Code of Regulations:

Status of December 10, 2021 Corrective Action Plan

In October and November 2021, following inspection of the county's juvenile facilities, we notified your agency of noncompliance with section 1354.5 of Title 15 of the Board's regulations. A summary can be found in the Supplemental Board Report submitted to the Board for its November 18, 2021 meeting.²

¹ Welfare and Institutions Code section 209, subdivision (d), provides:

[A] juvenile hall, special purpose juvenile hall, law enforcement facility, or jail shall be unsuitable for the confinement of minors if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under [Section 210](#) or [210.2](#), and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

² <https://www.bscc.ca.gov/wp-content/uploads/Supplemental-Report-to-Board-Suitability-of-LA-County-Juvenile-Facilities-FINAL-11-17-21.pdf>. (Pages 19-20.)

Pursuant to Welfare and Institutions Code section 209, the agency was required to submit a corrective action plan (CAP) to the BSCC within 60 days.

On December 10, 2021, we received the agency's corrective action plan, which was approved. This corrective action plan required the agency to outline how they intended to correct the issues of noncompliance and to come into compliance within a reasonable timeframe, not to exceed 90 days or by March 10, 2022.

Barry J. Nidorf Juvenile Hall

§ 1354.5, Room Confinement

After March 10, 2022, BSCC staff began to review and inspect the Barry J. Nidorf Juvenile Hall to determine compliance with the county's December 10, 2021 corrective action plan. Following inspection, which included reviewing unit documentation and supervisory review of video, interviewing youth housed in the facility, and reviewing video from 10 randomly selected dates from February 2, 2022 through (and including) March 10, 2022, it appears that Barry J. Nidorf remains out of compliance with section 1354.5, Room Confinement. Specifically, during the referenced time periods, youth were placed in their rooms for periods of time exceeding what the Los Angeles County Probation Department has determined is necessary for required institutional operations.³ This is based on the November 16, 2021 Los Angeles Probation Department memo, which provides that youth shall only be placed in their rooms for the amount of time necessary for shift change, "but no more than 30 minutes at the end of AM shift and beginning of PM shift." Based on our review of 80 shift changes across eight units, these time limits were exceeded over 50% of the time. Consequently, because the juvenile hall has not fully resolved the issues of noncompliance, the Board will make a determination of suitability at its next scheduled meeting pursuant to Welfare and Institutions Code section 209, subdivision (d).

Please note that if the Board finds that the juvenile hall is not being operated and maintained as a suitable place for the confinement of minors, the Board shall give notice of its findings to all persons having authority to confine youth pursuant to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code and commencing 60 days thereafter the juvenile hall shall not be used for confinement of minors until the time the Board finds, after reinspection of the juvenile hall, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of minors. (Welf. & Inst. Code, § 209, subd. (a)(4).)

³ Pursuant to regulations, "Room confinement does not include confinement of a youth in a locked single person room for brief periods as may be necessary for required institutional operations." (Cal. Code Regs., tit. 15, § 1302.)

AGENCY RESPONSE

The agency may, but is not required to, participate at the April 7, 2022 Board meeting as part of the Board's determination of suitability. If the agency wishes to respond in writing, we request that a response be submitted no later than April 5, 2022 to Adam.Lwin@bscc.ca.gov. If the agency anticipates that the facility will be in compliance prior to the Board meeting, or soon thereafter, please include in the response specific facts articulating to what extent the facility is, in fact, in compliance with the Board's regulations and estimated dates of compliance. This response will be included as part of the Board's agenda. The response may include any evidence or testimony rebutting staff's preliminary findings of noncompliance.

Although the Board will be meeting in-person, due to the ongoing pandemic, the Board is allowing public participation via Zoom. A link to the meeting is available at the Board's website at: www.bscc.ca.gov. If you, your staff, or any other agency representative will be participating, please contact Adam.Lwin@bscc.ca.gov and provide the names and contact information of those participating no later than April 5, 2022.

While participation is not mandatory, the Board formally requests that you appear in-person or via Zoom to discuss any outstanding issues of noncompliance.

DETERMINATION OF SUITABILITY

The determination of suitability is a quasi-judicial process in which the Board will determine whether the facilities are or are not in compliance with the Board's regulations. The proceeding is part of the Board's meeting agenda and is not a formal adversarial hearing. Oral testimony, if provided, will not be subject to cross-examination. Board staff will present its findings and recommendations to the Board, which will be followed by questioning by board members through the Chair. The agency will be given the opportunity to provide rebuttal evidence or testimony followed by questioning by board members through the Chair.

Following the presentation of the staff report and agency response, the Board will issue a written decision regarding any items of noncompliance with the Board's minimum standards and the suitability of each juvenile facility. If the Board is unable to make a determination of suitability based on the information provided, the Board may, in its discretion, continue the proceedings to a future board meeting.

The proceedings will be open to the public and is subject to the Bagley-Keene Open Meeting Act. (Gov. Code, §§ 11120-11132.)

If you have any questions about this process, please contact our general counsel,
Aaron.Maguire@bscc.ca.gov.

Sincerely,



LINDA PENNER
Chair

cc:

Kathleen T. Howard, Executive Director
Aaron R. Maguire, General Counsel
Allison Ganter, Deputy Director
Lisa Southwell, Field Representative, Board of State and Community Corrections
Honorable Eric C. Taylor, Presiding Judge Los Angeles County Superior Court
Honorable Akemi Arakaki, Presiding Judge of the Juvenile Court
Fesia Davenport, Chief Executive Officer, Los Angeles County
Rodrigo Castro-Silva, County Counsel, Los Angeles County
Wendelyn Julien, Executive Director, Probation Oversight Commission

Agenda Item I

**Sherwood Valley Tribal
Youth Diversion Program**





About Sherwood Valley

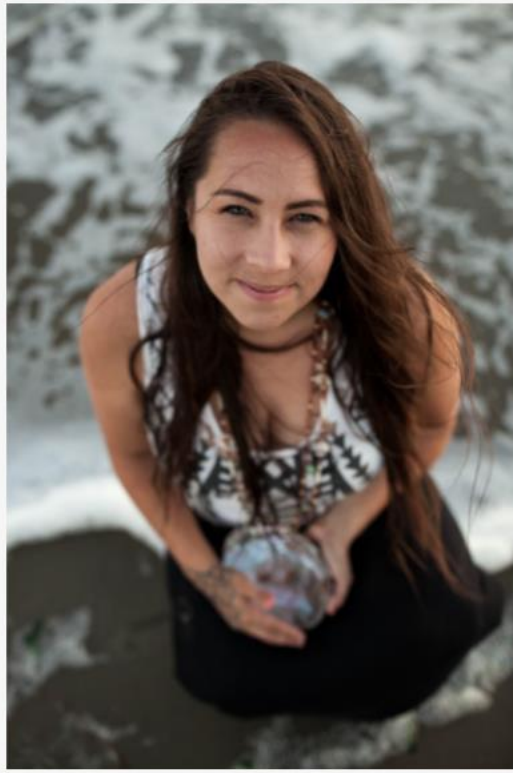
The Sherwood Valley Band of Pomo Indians Tribe was established in 1909 and is located in Willits, CA on aboriginal homelands that our ancestors occupied/used. Our homeland extends from the Hwy 101 corridor, through the Redwood Forests, on to the Coast. We have retain our rights to protect the land, air, water, and food sources upon our homeland. The Sherwood Valley Tribal Council, as representatives of individual tribal members, work together to promote and perpetuate the protection of natural resources for future Generations.

Our Team



Gabriel Ochoa - Tribal Youth
Program Director

Sabrina Angell - Youth and Family
Coordinator



Bonnie Lockhart -
(Previous Program
Director)



Michele Wilburn -
Outreach Coordinator



What the BSCC Tribal Youth Diversion grant has allowed our community to do:



With the BSCC Tribal Youth Diversion grant, the Sherwood Valley community has:

- Created a new program to support our Native youth mentally, physically, emotionally, and spiritually.
- Conducted Healthy activities that deter from Juvenile Arrests
- We have honored our ancestors by continuing to teach and learn traditional gathering, Youth's Native Language, and talking with elders.
- Offered tutoring and school support with homework, transportation, and supplies.
- Conducted monthly community family events.





What the BSCC Tribal Youth Diversion grant has allowed our community to do

Cont:



- Made a safe place for youth to be themselves.
- Built stronger relationships with local schools to support our native youth
- Shown healthy relationship building with adults with our youth.
- Strengthen surrounding tribal relationships with youth workers.
- Brought a program that is positive, healing to our community that has suffered historical trauma



Numbers of Success



Success in terms of project goals, numbers, participants, and outreach.

Celebrating Families for Wellness provided by Sherwood Valley Band of Pomo Indians

CELEBRATING FAMILIES FOR WELLNESS

Starting September 13th, 2021

16-week Zoom group for families to cook together, learn, and share through culture, creativity, and fun. All ages welcome!



Create, play, and laugh with games and activities

Cook together - new recipes each week!



Learn and share through life teachings and cultural knowledge

Celebrating Families Cohort's

We have conducted 2 Celebrating Families Cohort's since the beginning of our grant. We have impacted around 20 families with a total of 50 participants between the two cohorts. Celebrating Families is a evidence support group model written for families in which one or both parents have a serious problem with alcohol or other drugs and in which there is a high risk for domestic violence, child abuse, or neglect.



Numbers of Success



Success in terms of project goals, numbers, participants, and outreach.



Monthly Community Events

We have conducted around 16 events so far for the Sherwood Valley Community and 2 community events in Laytonville, CA on the Cahto Reservation. These events are themed every month, have Northern Pomo Language words to know on the flyers and has allowed us to outreach to our greater community. Average participants range from 50 to 80 each event, 800-1280 total community members have attended.



Numbers of Success



Success in terms of project goals, numbers, participants, and outreach.

Inter-Tribal Council of California, Inc. and Consolidated Tribal Health Project's Behavioral Health Department Presents National Day of Awareness for Missing and Murdered Indigenous Women

**Dinner Will Be Provided
Red T-Shirts
Memorial Board
Candlelight Vigil**

Please join us as we stand in solidarity to honor our Indigenous Women

MAY 5, 2021 | 6:00PM - 8:00PM

THIS EVENT WILL TAKE PLACE OUTDOORS
AT CTHP PARKING LOT 6991 H STATE STREET REDWOOD VALLEY CA 95470

**WE WILL BE ADHERING TO SOCIAL DISTANCING GUIDELINES
PLEASE WEAR A MASK**

For More Information Please Contact :
Diana Billy-Elliott, MSW
(707) 234-0086
Or
Tribby Kerrigan, ASW
(707) 234-2503

Keep Our Indigenous Women Safe
#MMIW

Youth outreach within surrounding tribes

Throughout 2021, we helped support other surrounding native community and youth events. These events allowed us to outreach to 100-300 community members and youth each event. Also, it allow us to bring Sherwood Valley as a tribe into better relationships with local tribes by working together to plan and host events.



Numbers of Success

Success in terms of project goals, numbers, participants, and outreach.



Continued Program Participation

We had 6 youth exit our program after completing and currently have 8 youth we are continuing to support. Our program supports in school, 1 on 1 support, being apart of our youth council, and teaching culture to them. These youth are high risk and have developed strong relationships with program staff so we continue to support weekly.



Challenges



COVID-19

When the grant was written, there was no plan for COVID-19 happening. We have made our programs, circles, and groups virtual or drive through. Families have been cautious letting their youth come to our program.

Schools

School outreach and inclusion has been moving slow with schools taking their time to work with us. We have made multiple attempts to go into schools and run native circles but COVID-19 safety protocols have slow that progress.





Challenges

Sherwood Valley Office Protocols

In office policies limited in person activities and meeting with youth to 1 to 2 at one time with masks. Circles in person could not happen as to number of participants would be more than allowed.

Transporation

The Sherwood Valley Tribal Council decided to stop doing reimbursements so staff can no longer use personal vehicles and get reimbursed.



Challenges



Building Trust

Our youth program is something that Sherwood Valley has never had before. They are not used to monthly events, support for their youth, and breaking their own trauma around receiving help. We had to continue being consistent in the community and with youth to build trust.

Virtual Programming

Our youth have had difficulty going to school, circles, and programming on zoom. Some households still don't have internet access or Technology to get on Zoom.





Moving Forward

Sherwood Valley Tribal Youth Diversion Program goals for 2022- 2023:

- Accomplish Sherwood Valley Project Goal #1: Increase Northern Mendocino County youth community engagement to prevent juvenile arrests, suicide and substance abuse.
- Accomplish Sherwood Valley Project Goal #2: Increase peer-led youth prevention, trauma informed culture-based programming through Tribal Youth Ambassadors.
- Accomplish Sherwood Valley Project Goal #3: Provide historical trauma and community-based training to Northern Mendocino youth, youth-serving adults and community.



Moving Forward

Sherwood Valley Tribal Youth
Diversion Program goals for 2022-
2023:

- Continue to include language, culture, and traditions in the way we work with our youth.
- This is vital to honoring our Ancestors and walking this life in a good way. By persevering our language so it can continue to be spoken, taught and not lost, Learning our culture so the ways our ancestors walked before us are shared bringing our tribe together, and our traditions continue to be practiced so our songs help our people heal, grief, and give thanks to Creator.



Yahwi (Thank You in Northern Pomo)

