

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE BOARD OF STATE AND COMMUNITY CORRECTIONS
REGARDING THE MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION
OF LOCAL DETENTION FACILITIES
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1 AND PART 2
(BSCC 01/22)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

The Board of State and Community Corrections (BSCC) is required by Penal Code 6030 to establish, review, and revise minimum standards for local correctional facilities. The proposed revisions were made to incorporate necessary requirements for the operation of local detention facilities.

In reviewing the current regulations, the BSCC set out to provide local detention facilities with a clear and concise guide to navigate the requirements as they pertain to specific facilities.

The proposed revisions improve the safety and security of incarcerated people by updating definitions and terms throughout the text with current, consistent, and clear language as well as expanding upon exercise area, audio monitoring system, bed, and seating requirements. Reference citations have also been added or updated where applicable.

The BSCC anticipates several benefits from the proposed revisions, including: improved safety and security for staff and incarcerated persons, further protection against suicide risks, audio monitoring, and exercise areas with a new requirement for access to natural light and fresh air.

ITEM 1

Part 1, Chapter 13 Administrative Regulations for the Board of State and Community Corrections (BSCC), Section(s) 13-102(a)

This section outlines the definitions for terms used throughout these regulations, exclusions, as well as requirements for the planning and design of local detention facilities.

The definition of “**Administrative segregation**” contains outdated language and is amended to replace “segregation” with “separation,” ensuring “administrative separation” is not incorrectly interpreted as a punitive action. The word “inmates” is replaced with “incarcerated persons” and ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Alternative means of compliance**” contains an outdated predecessor agency, the “Corrections Standards Authority,” and has been replaced with the correct agency name, “Board of State and Community Corrections.” There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Average Daily Population**” contains outdated language and is amended to replace “inmates” with “incarcerated persons” for consistency with language used throughout these regulations. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Clinical evaluation**” has been entirely removed because it is unnecessary; the term is not used in Part 1, Chapter 13, of Title 24. In addition, this amendment is consistent with definitions in corresponding Title 15 regulations. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Contact**” has been amended by changing references of “adult inmates” to “incarcerated adults.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Custodial personnel**” has been amended to replace the word “inmates” with “incarcerated persons.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Developmentally disabled**” has been amended to provide clarity by removing and replacing outdated language. The term “mental retardation” has been replaced with the current and acceptable terminology, “cognitive and intellectual disabilities.” There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Direct visual observation**” has been amended to replace the word “inmate” with “incarcerated person” to ensure the language in these regulations is contemporary, people-centered, and consistent throughout. The term “his/her” has been replaced with “their” to remove ambiguous language and provide gender-neutral references. There are no anticipated operational or fiscal impacts due to these changes.

The term “**Disability**” has been proposed to replace the definition of “people with disabilities” to ensure the definition describes the condition of being disabled and not a person who is disabled. This proposed change aligns with the Americans with Disabilities Act terms and definitions. There are no anticipated operational or fiscal impacts due to this change.

The term of “**Disciplinary isolation**” has been amended to replace “isolation” with “separation.” The definition has been amended to remove reference to “punishment,” replace “an inmate” with “a person,” and remove the phrase “separate from regular jail inmates.” These changes ensure outdated, punitive terms are not used, and that language is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Facility watch commander**” has been amended to replace “his/her” with “their” to ensure that the language throughout these regulations is gender-neutral and consistent. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Living areas**” has been amended to replace “inmates” with “incarcerated persons.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Lockup**” has been amended by replacing the terms “prisoner” and “inmate” with “persons” and “incarcerated.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

The term and definition of “**Nonsentenced inmate**” has been amended by removing and replacing the word “inmate” with a more contemporary and people centered term, “incarcerated people,” for consistency with language used throughout these regulations. There are no anticipated operational or fiscal impacts due to these changes.

The term “**People with disabilities**” has been removed and replaced with the term “Disability,” which aligns with the definition in the American Disabilities Act and more accurately describes the condition of being disabled. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Pilot project**” contains an outdated predecessor agency, the “Corrections Standards Authority,” and has been replaced with the correct agency name, “Board of State and Community Corrections.” There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Rated capacity**” has been amended by replacing the term “inmate” with “incarcerated,” “medical” with “health care,” and “isolation” with “separation.” The hyphen has been removed from the word “single” and “double [occupancy]” to avoid grammar and punctuation errors. These amendments ensure that the language in these regulations is people-centered, contemporary, non-punitive, grammatically correct, and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Safety checks**” has been amended by replacing the term “inmates” with “incarcerated people.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Secure custody**” has been amended by removing the word “or” before “enclosure,” the word “and/” from the phrase “and/or,” and inserting commas for proper punctuation. The amendments correct grammar and clarify the description of a secure environment; a cuffing rail does not need to be inside a locked room or enclosure to be a method of secure custody. There are no anticipated operational or fiscal impacts due to these changes.

The term “**Sentenced inmate**” has been amended to remove the word “inmate.” The definition has been amended to replace “an inmate” with “a person,” replace “is” with “has been,” and replace “on all local charges” with “committed to custody in a local detention facility.” The proposed changes ensure that language in these regulations is contemporary, people-centered, uses proper grammar, and is consistent throughout. A reference to local charges has also been removed as not all people incarcerated in local detention facilities are held on local charges. There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Sobering cell**” has been amended to replace “arrestees” with “people.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Type I facility**” has been amended to remove and replace the terms “sentenced,” “inmate workers,” and “inmate” with “those committed,” “people,” “person incarcerated,” and “incarcerated.” Not all people incarcerated in Type I Facilities are sentenced; the replacement of the term “inmate” ensures that the language in these regulations is contemporary, people-centered, gender neutral, and consistent throughout. The term “his/her” has been replaced with “their” to remove ambiguous language and provide gender-neutral references. There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Type IV facility**” These amendments provide a clear definition that will allow flexibility in types of programs in Type IV facilities and ensure that the language is contemporary, people-centered, and consistent throughout. To ensure proper interpretation of the definition, the ambiguous term “and/or” is amended to remove “and/.” There are no anticipated operational or fiscal impacts due to these changes.

Part 1, Chapter 13 Administrative Regulations for the Board of State and Community Corrections (BSCC), Section(s) 13-102(b)

This section has been amended to remove “and/” from “and/or” in the second paragraph where plan requirement is discussed; this change is necessary to ensure clarity that a plan for approval shall include areas in need of either remodeling or construction, but not both. There are no anticipated operational or fiscal impacts due to this change.

Part 1, Chapter 13 Administrative Regulations for the Board of State and Community Corrections (BSCC), Section(s) 13-102(c)

This section has been amended to replace references to “inmate” and “inmates” with the term “incarcerated,” “incarcerated person,” “incarcerated persons,” and “incarcerated people” throughout; the word “segregate” and “segregation” have been replaced with “separate” and “separation.” “Commissary” has been added in the language to clarify that a facility must provide an area for commissary stock and that such space is not optional without the use of an outside vendor. “Without direct visual observation” has been included to remove ambiguous language in the requirement, and to ensure the direct visual observation requirement can be more clearly understood in suicide prevention. Reference to an outdated predecessor agency, the “Corrections Standards Authority,” has been replaced with the correct agency name, “Board of State and Community Corrections.” Unnecessary information in subsection 3 related to minor security area, the four specific types of facilities in subsection 6, the usage of “and/” as well as the reference to hair-dressing, have been removed.

These changes are to ensure the requirements can be clearly interpreted, and the language is grammatically correct, gender inclusive, people-centered, contemporary, and consistent throughout these regulations.

Additional amendments including inserting reference related to the Americans with Disability Act (ADA) and the 2010 ADA Standards for Accessible Design, to ensure these regulations can be clearly understood and there is clarity in the requirement. There are no anticipated operational or fiscal impacts due to these changes.

ITEM 2

Part 2, Chapter 12 Interior Environment, Section(s) 1231.1

The definition of “**Living areas**” has been amended to replace “inmates” with “incarcerated persons.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to this change.

The definition of “**Type I facility**” has been amended to remove and replace the terms “sentenced,” “inmate workers,” and “inmate” with “those committed,” “people,” “person incarcerated,” and “incarcerated.” Not all people incarcerated in Type I Facilities are sentenced; the replacement of the term “inmate” ensures that the language in these regulations is contemporary, people-centered, gender neutral, and consistent throughout. The term “his/her” has been replaced with “their” to remove ambiguous language and provide gender-neutral references. There are no anticipated operational or fiscal impacts

due to these changes.

The definition of “**Type IV facility**” These amendments provide a clear definition that will allow flexibility in types of programs in Type IV facilities and ensure that the language is contemporary, people-centered, and consistent throughout. To ensure proper interpretation of the definition, the ambiguous term "and/or" is amended to remove "and/." There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Rated capacity**” has been amended by replacing the term “inmate” with “incarcerated,” “medical” with “health care,” and “isolation” with “separation.” The hyphen has been removed from the word “single” and “double [occupancy]” to avoid grammar and punctuation errors. These amendments ensure that the language in these regulations is people-centered, contemporary, non-punitive, grammatically correct, and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.1

This section outlines the space requirements for booking and housing within facilities and has been amended to insert clarifying information and updated language. The word “holding” in subsection two (2) and the phrase “Except for Temporary Holding facilities” in subsection three (3) have been inserted to ensure that requirements are applied to the appropriate types of spaces and facilities. References to “inmates” and “inmate” have been replaced with “incarcerated persons/people,” these changes are necessary to ensure language is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to these changes

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.2

This section outlines the minimum design requirements for temporary holding cells or rooms within facilities. This section has been amended to replace references to “inmate” and “inmates” with “incarcerated person” and “incarcerated people.” These amendments are necessary to ensure the language used throughout is people-centered, contemporary, and consistent in these regulations. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.3

This section outlines the minimum design requirements for temporary staging cells or rooms within facilities. This section has been amended to replace references to “inmate” and “inmates” with “incarcerated person” and “incarcerated people,” and the term “segregated” with “separated.” These amendments are necessary to ensure the language used throughout is people-centered, non-punitive, contemporary and consistent in these regulations. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.4

This section outlines the minimum design requirements for sobering cells within facilities. This section has been amended to replace references to “inmate” and “inmates” with “incarcerated person” and “incarcerated people.” These amendments are necessary to ensure the language used throughout is people-centered, contemporary, and consistent in

these regulations. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.5

This section outlines the minimum design requirements for safety cells within facilities. This section has been amended to replace the term “inmate” with “incarcerated person” and remove unnecessary references to the term “inmate” throughout. These amendments are necessary to ensure the language is people-centered, contemporary, and consistent in these regulations. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.6

This section outlines the minimum design requirements for single-occupancy cells within facilities. This section has been amended to replace the term “inmate” with “incarcerated person” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to this change.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.7

This section outlines the minimum design requirements for double-occupancy cells within facilities. This section has been amended to replace the term “inmates” with “incarcerated people” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to this change.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.8

This section outlines the minimum design requirements for dormitories within facilities. This section has been amended to replace the term “inmate” and “inmates” with “incarcerated person” and “incarcerated people” to ensure that language used in these regulations is contemporary, people-centered, and consistent throughout. Further amendments include the replacement of the term “bed unit” with “bunk fixture,” which ensures a clear interpretation that multi-person bed units in dormitories are to be fixed or attached. Immovable furniture such as bunks is important to the safety and security of the facility and incarcerated persons housed there. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.9

This section outlines the minimum design requirements for dayrooms within facilities. This section has been amended to replace the terms “inmate” and “inmates” with “incarcerated,” “incarcerated person,” and “incarcerated people” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. The term “segregation” has also been replaced with “separation” to ensure that the act of administrative separation is not interpreted as a punitive action. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.10

This section outlines the required provisions for exercise areas in Type II and Type III facilities and has been amended to organize required elements into a numbered list, ensuring provisions are more clearly identified. Further changes include new requirements

for exercise area spaces to accommodate large muscle activities, be well equipped with a place for rest, provide access to natural light and fresh air, adequate lighting for evening activities, and as access for people with disabilities. These changes, which align with current and best practices, are necessary to ensure the health and welfare of incarcerated people. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.12

This section outlines the requirements for designing a medical examination room and has been amended to replace the term “inmates” with “incarcerated person” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to this change.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.14

This section describes the requirements for medical care housing. It has been amended to replace references to “inmates” and “both female and male inmates” with “incarcerated people” and “all incarcerated people,” to ensure that language used in these regulations is contemporary, people-centered, and consistent throughout. The word “isolation” has been removed from the term “negative pressure isolation rooms,” ensuring the use of current medical terms; and, “/or” has been removed from “[housing of ill] and/or” because medical care housing is intended to provide medical care for both ill and infirm incarcerated people. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.16

This section requires Type II, III, and IV facilities to provide secure storage space for commissary items, except where community access available (Type IV facilities). This section has been amended to remove and replace the term “inmate” and “inmates” with “incarcerated people” to ensure the language used in these regulations is contemporary, people-centered, and consistent throughout. Additional language has been inserted to clarify that when a facility uses a vendor to make commissary available, an area of secure storage for canteen items is unnecessary because the vendor keeps stock of the items. There are no anticipated operational or fiscal impacts due to this change.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.17

This section outlines the requirements for dining facilities in all Type II, III, and IV facilities. This section has been amended to replace the terms “inmates” and “inmate” with “incarcerated people” and “incarcerated person” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.21

This section requires that facilities have one or more storage rooms. This section has been amended to remove references to the term “inmate” and replace it with “incarcerated person” to ensure the language used in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.22

This section outlines the requirement for facilities to have an audio monitoring system. It has been amended by correcting a typographical error to ensure that the requirement correctly applies to Type III facilities. The term “inmate” has been replaced with “occupant actuated” to ensure required audio monitoring systems may also include actuation by any occupant, not just an incarcerated person. In the list of spaces requiring an audio monitoring system, “dining rooms” was inserted to ensure that the facility monitors incarcerated people in those spaces just as they do in exercise, program, and multipurpose space. The proposed changes are necessary to clarify the requirements and ensure that the language used in these regulations is people-centered and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.25

This section requires every facility where onsite health care is provided to have at least one furnished, confidential interview room. This section has been amended by replacing the phrase “both female and male inmates” with “all incarcerated persons” to ensure the terms used in these regulations are gender-neutral and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.2.26

This section outlines requirements for attorney interview space. It has been amended by replacing the term “inmates” with “incarcerated persons” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to this change.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.1

This section outlines the requirements for toilets and urinals in local detention facilities. This section has been amended by replacing the term “inmates” with “incarcerated people” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.2

This section outlines the requirements for wash basins in local detention facilities. This section has been amended by replacing the term “inmates” with “incarcerated people” to

ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.3

This section outlines the requirements for drinking fountains in local detention facilities. The section has been amended by replacing the term “inmates” with “incarcerated people” to ensure the language used is contemporary, people-centered, and consistent throughout these regulations. There are no anticipated operational or fiscal impacts due to this change.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.4

This section outlines the requirements for showers in local detention facilities. This section has been amended by replacing the terms “inmates” with “incarcerated people” to ensure the language used in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.5

This section outlines the requirements for beds and bunks in local detention facilities. It has been amended to insert a new requirement that specifies beds have a solid bottom “or pan with no perforations,” and that beds be securely fastened “in a manner to prevent creating a ligature point of attachment between the bed and the wall, i.e., ensuring that there is no space between the bed and the wall.” These changes are necessary to clarify requirements and ensure no holes or gaps are present which could otherwise be used as ligature points; changes align with suicide prevention best practices and national best practices on beds in detention settings. Further amendment replaces the word “multiple” with “bunks” for consistency with changes to the language used throughout these regulations to describe multiple beds. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.6

This section outlines the requirements for lighting in housing units, dayrooms and activity areas. This section has been amended to remove “/or” regarding occupant-controlled lighting and insert the phrase “where appropriate.” These changes ensure the regulation requirements are reasonably and logically interpreted as having only one meaning and provide flexibility in design where occupant control may be inappropriate to the level of security in the lighted area. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.7

This section outlines the requirements for windows in housing areas of higher than minimum security. This section has been amended by replacing the term “inmates” with “incarcerated people” to ensure the language used in these regulations is contemporary, people-centered, and consistent throughout. There are no anticipated operational or fiscal impacts due to this change.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.10

This section outlines the seating requirements for temporary holding and temporary staging cells. This section has been amended to remove “and/” in the requirement for

seating to be fixed to the floor and/or wall; fixation to either the floor or wall is sufficient. A further amendment clarifies that bench seating is to be 18 inches "width and no less than 12 inches depth." This change ensures that benches are designed in a minimum and consistent size and that the measurements of bench seating are clearly defined in regulation. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Section(s) 1231.3.11

This section outlines the requirements for tables and seats in cells. Amendments replace the term "table" with "desk" to clarify the intended use in areas where such a fixture is required. There are no anticipated operational or fiscal impacts due to these changes.

Part 2, Chapter 12 Interior Environment, Table 1231A

The table in section 1231A provides a summary of requirements for each facility type. The legend notes directly following the table have been amended to replace the terms "inmate" and "prisoners" with "incarcerated" and "incarcerated persons." These changes ensure the language used throughout these regulations is contemporary, people-centered, and consistent. There are no anticipated operational or fiscal impacts due to these changes.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

The BSCC did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption of these regulations.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The prescriptive standards contained in these regulations are proposed to align minimum standards for the design and construction of local detention facilities with current industry practices and requirements that ensure consistency in facilities across the state and that enhance the well-being, safety, and security of staff and incarcerated persons.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

No other alternatives were presented to or considered by the BSCC when proposing the adoption of these regulations.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

The BSCC has determined that the proposed regulatory action will not affect small business because the scope of these regulations is specific to the operation and design of local detention facilities.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The BSCC has determined that the proposed regulations would not have a significant adverse impact directly affecting business.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The Board of State and Community Corrections has assessed whether and to what extent this proposal will affect the following:

- A. The creation or elimination of jobs within the State of California.**
These proposed regulations will not affect the creation, or cause elimination of jobs within the State of California.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**
These proposed regulations will not affect the creation or the elimination of existing business within the State of California.
- C. The expansion of businesses currently doing business within the State of California.**
These proposed regulations will not affect the expansion of businesses currently doing business within the State of California.
- D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**
These proposed regulations will result in significant improvement to the health and welfare of incarcerated persons in local detention facilities and increase overall safety for facility staff, incarcerated persons, and visitors at each facility by improving existing minimum requirements in building standards to align with best practices. These proposed regulations will not affect the State's environment because the regulations pertaining to the minimum standards for local detention facilities do not address any environmental factors and do not require any new construction features that would otherwise not be included in construction planning.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The BSCC has determined that any cost or cost savings associated with the proposed regulations would be insignificant because the requirements resulting from the proposed changes are not applied retroactively.

In designing and constructing local detention facilities, agencies must still comply with other federal and state guidelines such as accessibility requirements in Title II of the Americans with Disability Act (ADA). The proposed amendments for exercise area in Part 2, Section 1231.2.10, beds in Part 2, Section 1231.3.5, and seating in Part 2, Section 1231.3.10 are enhancements to existing requirements. The BSCC has concluded the additional cost of compliance will be insignificant, if any.

The benefits of the proposed amendments include clarifying language to stay relevant, current with industry best practices, requirements in design criteria that will improve the health and welfare of incarcerated persons, and overall safety for facility staff, incarcerated persons, and visitors at each facility.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The BSCC did not identify any duplicative or conflicting federal regulations.