

ADMINISTRATION WORKGROUP

**Lenard Vare, CHAIR
Director**

Napa County Department of Corrections

Greg Hosman, Captain
Lake County Sheriff's Office

Craig Wilson, Chief Deputy
Santa Cruz County Sheriff's Office

Debby Pitkin, Sergeant
Sonoma County Sheriff's Office

Ian Silva, Lieutenant
Kern County Sheriff's Office

Jennifer Estrada, Jail Administrator
Santa Monica Police Department

Ty Stelow, Lieutenant
Tulare County Sheriff's Department

Ron Markegard, Lieutenant
San Bernardino County Sheriff's Department

Margo Cullison, Sergeant
Solano County Sheriff's Office

Michael Carroll, Lieutenant
Alameda County Sheriff's Office

Nicole Wambold, Lieutenant
Riverside County Sheriff's Department

Rob Davidson, Captain
Ventura County Sheriff's Office

TABLE OF CONTENTS*

ARTICLE 1. GENERAL INSTRUCTIONS	2
§ 1004. Severability.	2
§ 1005. Other Standards and Requirements.....	3
§ 1006. Definitions	4
§ 1007. Pilot Projects.	13
§ 1008. Alternate Means of Compliance.	15
ARTICLE 2. INSPECTION AND APPLICATION OF STANDARDS	17
§ 1010. Applicability of Standards	17
§ 1012. Emergency Suspensions of Standards or Requirements.....	21
§ 1013. Criminal History Information.	22
§ 1016. Contracts for Local Detention Facilities.....	23
§ 1018. Appeal.....	24
ARTICLE 3. TRAINING, PERSONNEL AND MANAGEMENT.....	26
§ 1020. Corrections Officer Core Course.	26
§ 1021. Jail Supervisory Training.....	29
§ 1023. Jail Management Training.	30
§ 1024. Court Holding and Temporary Holding Facility Training	31
§ 1025. Continuing Professional Training.....	33
§ 1027. Number of Personnel	34
§ <u>1027.5 Safety Checks</u>	37
§ 1028. Fire and Life Safety Staff.....	38
§ 1029. Policy and Procedures Manual	40
§ <u>1030. Suicide Prevention Program</u>	44
§ 1032. Fire Suppression Preplanning.	48
ARTICLE 4. RECORDS AND PUBLIC INFORMATION	49
§ 1040. Population Accounting.....	49
§ 1041. Inmate Records.	51
§ 1044. Incident Reports.....	52
§ 1045. Public Information Plan.	53
§ 1046. Death in Custody	55
§ 1047. Serious Illness or Injury of a Minor in an Adult Detention Facility.....	58

**Bold and italics indicate proposed revision; underline indicates proposed new regulations.*

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

The following proposed definition changes are the total of all proposed changes to this section, and are the product of four workgroups. Excerpts of these proposed changes are presented again in each respective workgroup's section.

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

“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 housed in a facility in a day. Average daily population (ADP) is the average number of inmates housed daily population divided by the number of days in the period of measurement during the last fiscal year.

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

“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 adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.

"Contact visit" means an on-site visit without barriers.

“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.

“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 mental retardation, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

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

“Disciplinary ~~separation isolation~~” means that punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit, ~~separate from regular jail inmates.~~

“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 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 [work hours](#). ~~tour of duty~~.

“Gender expression/identity” means how one expresses oneself, in terms of dress, mannerisms and/or behaviors that society characterizes as “masculine” or feminine.”

“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.

“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. 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 who are inmate 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 addicting drugs, usually under the care of a physician. 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 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 with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

“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 occupants for which a facility’s single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary [separation isolation](#) housing, were planned and designed in conformity to the standards and requirements contained in Title 15 and in Title 24.

“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 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.

“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 that is sentenced on all local charges.

“Shall” is mandatory; “may” is permissive.

“Sobering cell” as referenced in Section 1056, refers to an initial “sobering up” place for arrestees who are sufficiently intoxicated from any substance to require a protected environment. ~~to prevent injury by falling or victimization by other inmates.~~

“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.

“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 to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility

is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a 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 visit" means an on-site or remote visit through the means of audio-visual communication devices.

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

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

The definition for "average daily population" was amended to match the definition as used in the BSCC's Jail Profile Survey.

Definitions for "contact visit", "in-person visit" and "video visit" were added to define those methodologies commonly encountered in inmate visitation.

The definition of “disciplinary isolation” was edited by removing the phrase “separate from regular jail inmates” because the deleted phrase was unnecessary and included an undefined term (“regular jail inmates”). The word “isolation” was replaced with “separation” to more closely define the condition of confinement.

The definition of “facility watch commander” was edited by removing the phrase “tour of duty” and inserting the phrase “work hours.” This change was made to replace outdated language with a more contemporary and readily-understood phrase.

The term “gender expression/identity” was added to describe an additional element of consideration in the complex classification process currently utilized in jails today.

The term "medical detoxification" was added to clarify the difference between the detoxification process that safely withdraws people from addicting drugs, and the use of the sobering cell where inmates are held if they are a threat to their own safety or the safety of others due to their state of intoxication.

The definition of "rated capacity" was edited to replace "disciplinary isolation" with "disciplinary separation" to more accurately describe the condition of confinement.

The term "responsible health care staff" was added to this section to describe a group of individuals qualified to perform a professional service within his or her scope of practice. This definition provides consistency to these regulations. (Sections 1204, 1210, 1055, 1056 and 1058 were also amended using this term.)

The definition of "sobering cell" was edited to remove the phrase "to prevent injury by falling or victimization by other inmates" because the deleted text was not needed.

The term "telehealth" was added to describe a method by which health care professionals may facilitate the health care of inmates remotely using video cameras and was referenced in Sections 1052 and 1209.

4. What is the operational impact that will result from this revision; how will it change operations?

No operational impact for any of the changes.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

No fiscal impact for any of the changes.

6. How will BSCC measure compliance with this revision?

Refining or adding definitions will not affect the inspection process.

7. Summary of Workgroup Discussion and Intent

The Administration Workgroup felt that the definitions for disciplinary isolation, facility watch commander, rated capacity and sobering cell would benefit from the reduction of ambiguity and unnecessary words.

The Classification and Discipline Workgroup determined that defining gender expression/identity would be important as this element is added to classification categories to be considered (Section 1050 Classification Plan).

The Medical/Mental Health Workgroup felt that defining medical detoxification, responsible health care staff and telehealth would add clarity and consistency to these regulations.

The Programs and Services Workgroup agreed that amending average daily population would add clarity to these regulations and other BSCC processes. The group also discussed adding a definition for "partially sentenced" as it related to statistical surveys, but opted not to pursue that at this time.

- In their discussion of Section 1062, the Programs and Services Workgroup felt that it was important to define "contact visit", "in-person visit" and "video visit" to distinguish between the various options facility operators have to provide inmates opportunities for visiting.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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 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 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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 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 where appropriate.
- (g) A statement of how the overall goal of providing safety to 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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, Appeal
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. 1032, Fire Suppression Preplanning
9. 1044, Incident Reports
10. 1046, Death in Custody
11. 1050, Classification Plan
12. 1051, Communicable Diseases
13. 1052, Mentally Disordered Inmates
14. 1053, Administrative Segregation
15. 1057, Developmentally Disabled Inmates
16. 1058, Use of Restraint Devices
17. 1068, Access to Courts and Counsel
18. Title 24, Section 13-102(c)1, Letter of Intent
19. Title 24, Section 13-102(c)3, Operational Program Statement
20. Title 24, Section 13-102(c)5, Submittal of Plans and Specifications
21. Title 24, Section 13-102(c)6C, Design Requirements
22. Title 24, Part 2, Section 1231.2, Design Criteria for Required Spaces
23. Title 24, Part 2, Section 1231.3, Design Criteria for Furnishings and Equipment
24. 1200, Responsibility for Health Care Services
25. 1219, Suicide Prevention Program
26. 1220, First Aid Kit(s)
27. 1246, Food Serving and Supervision
28. 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) 1160, Purpose
- (3) 1161, Conditions of Detention
- (4) 1162, Supervision of Minors
- (5) 1163, Classification

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

- (1) 1012, Emergency Suspensions of Standards or Requirements
- (2) 1018, Appeal
- (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) 1032, Fire Suppression Preplanning
- (9) 1044, Incident Reports
- (10) 1046, Death in Custody
- (11) 1050, Classification Plan
- (12) 1051, Communicable Diseases
- (13) 1052, Mentally Disordered Inmates
- (14) 1053, Administrative Segregation
- (15) 1057, Developmentally Disabled Inmates
- (16) 1058, Use of Restraint Devices
- (17) 1067, Access to Telephone
- (18) 1068, Access to Courts and Counsel
- (19) Title 24, Section 13-102(c)1, Letter of Intent
- (20) Title 24, Section 13-102(c)3, Operational Program Statement
- (21) Title 24, Section 13-102(c)5, Submittal of Plans and Specifications
- (22) Title 24, Section 13-102(c)6C, Design Requirements
- (23) Title 24, Part 2, Section 1231.2, Design Criteria for Required Spaces
- (24) Title 24, Part 2 Section 1231.3, Design Criteria for Furnishings and Equipment
- (25) 1200, Responsibility for Health Care Services
- (26) 1207, Medical Receiving Screening
- (27) 1209, Transfer to Treatment Facility
- (28) 1212, Vermin Control
- (29) 1213, Detoxification Treatment
- (30) 1219, Suicide Prevention Program
- (31) 1220, First Aid Kit(s)
- (32) 1240, Frequency of Serving
- (33) 1241, Minimum Diet
- (34) 1243, Food Service Plan
- (35) 1246, Food Serving and Supervision
- (36) 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) 1080, Rules and Disciplinary Penalties
- (5) 1081, Plan for Inmate Discipline
- (6) 1082, Forms of Discipline
- (7) 1083, Limitations on Disciplinary Actions

- (8) 1084, Disciplinary Records
- (9) Title 24, Part 2, Section 1231.2.1 Area for Reception and Booking
- (10) Title 24, Part 2, Section 1231.2.4 Sobering Cell
- (11) Title 24, Part 2, Section 1231.2.5 Safety Cell
- (12) Title 24, Part 2, Section 1231.3.4 Design Criteria for Showers
- (13) Title 24, Part 2, Section 1231.3.5 Design Criteria for Beds/Bunks
- (14) Title 24, Part 2, Section 1231.3.8 Design Criteria for Cell Padding
- (15) 1270, Standard Bedding and Linen Issue
- (16) 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

The Administration Workgroup added a new regulation – Section 1027.5 Safety Checks. This citation was added to this regulation in subsections (b) and (d) because Section 1027.5 is applicable not only to Type I, II, III and IV facilities, but also to court holding and temporary holding facilities.

4. What is the operational impact that will result from this revision; how will it change operations?

No operational impact is anticipated. Facilities already conduct safety checks as required by Section 1027.

5. What is the fiscal impact that will result from this revision? b.) How can it be justified?

No fiscal impact is anticipated. Facilities already conduct safety checks as required by Section 1027.

6. How will BSCC measure compliance with this revision?

BSCC already measures compliance with this regulation as a component of Section 1027.

7. Summary of Workgroup Discussion and Intent

The Administration Workgroup created a new regulation, Section 1027.5, which contains the safety check mandate previously found in Section 1027. Section 1027.5 is applicable to all types of facilities and is included in this section to note its applicability.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1018. Appeal.

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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

The Administration Workgroup discussed the merits of requiring “beginning” the academy within one year of assignment and “completing” the academy in the same time period. By consensus, the workgroup decided to make no amendments to the regulation.

At least one workgroup member felt that all correctional officers should complete the Core course before having sole supervision of an inmate. He asked that this remark be forwarded to the ESC.

Subsequent to the workgroup meeting, an additional recommendation was received for consideration and forwarded to the workgroup. Changes were requested to this regulation which would have lessened the training requirements for non-Core trained patrol officers who

infrequently work in a Type I jail. The recommendations included requiring only 4-6 hours of training for occasionally assigned staff, allowing a single Core-trained staff member to satisfy training requirements for the entire shift, and creating a new employee class, "Type I Occasional Relief Personnel," who would be exempt from Section 1020 altogether. The Administration Workgroup opted not to make this change.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1023. Jail Management Training.

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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1024. Court Holding and Temporary Holding Facility Training.

Custodial personnel who ~~are responsible for supervising~~ 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;
- (d) emergency procedures and planning, fire and life safety; and,
- (e) suicide prevention.

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.

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, 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.

2. ESC Notes/Recommendations

For clarity, the first sentence should be revised to read:

Custodial personnel who supervise inmates, ~~are responsible for supervising inmates in,~~ and supervisors of, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized training. **The Administration Workgroup (AWG) adopted this recommendation, with modification, and edited the regulation as indicated.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

This regulation was amended to add the word “supervise” and remove the phrase “are responsible for supervising” to enhance its clarity.

In Section 1028 Fire and Life Safety Staff, the ESC recommended that the Administration Workgroup clarify the level of training in fire and life safety required for staff in TH and CH facilities. To address that recommendation, the Administration Workgroup amended Section 1024 to include the topic of fire and life safety. By being compliant with Section 1024, an agency will also meet the training requirement of Section 1028. Subsection “d” was amended to read “emergency procedures and planning, fire & life safety; and,”.

4. What is the operational impact that will result from this revision; how will it change operations?

Operational impact will be minimal. Agencies must now formalize their training curriculums to include fire and life safety training.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

Fiscal impact is not anticipated to occur because agencies are currently required to train on fire and life safety topics. This amendment clarifies the standard to be met and does not impose a higher standard than now exists.

6. How will BSCC measure compliance with this revision?

BSCC will continue to review training curriculum to determine compliance.

7. Summary of Workgroup Discussion and Intent

The Administration Workgroup discussed the need to clarify the language in the first sentence of the regulation, and made a proposed revision accordingly. Further, In Section 1028 Fire and Life Safety Staff, the ESC recommended that the Administration Workgroup clarify the level of training in fire and life safety required for staff in TH and CH facilities. To address that recommendation, the Administration Workgroup amended Section 1024 to include the topic of fire and life safety. By being compliant with Section 1024, an agency will also meet the training requirement of Section 1028.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1027. Number of Personnel.

A sufficient number of personnel shall be employed in each local detention facility to ~~conduct at least hourly safety checks of inmates through direct visual observation of all inmates and to~~ ensure the implementation and operation of the programs and activities required by these regulations. ~~There shall be a written plan that includes the documentation of routine safety checks.~~

Whenever there is an inmate 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 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 in the event of an emergency. Whenever one or more female inmates are in custody, there shall be at least one female employee who shall ~~in like manner~~ 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.

2. ESC Notes/Recommendations

The ESC requested the **Administration Workgroup** consider the input, while giving attention to the following:

1. Potential fiscal impact.
2. Staffing of facilities varies depending on when/how built.

Rec A

In-text Change: A sufficient number of personnel shall be employed in each local detention facility to conduct at least hourly safety checks of inmates through direct visual observation of all inmates and to ensure the implementation and operation of the programs and activities ~~required by these regulations.~~ required by PREA, AB 109 and these regulations.

PREA and AB 109 have impacted jails and put a strain on staff. Jails need to ensure staffing plans cover these regulations. **AWG opted not to make this change.**

Rec B

At a minimum, this section should include:

1. Language indicating that there shall be sufficient inmate-to-personnel ratios to ensure inmates are provided with adequate supervision and safety. **AWG opted not to make this change.**

Rec C

- Review the need for hourly checks given the number of vital functions that have to be performed in light of all the mandates. **AWG opted not to make this change.**
- Prescribe staffing minimums for small, medium and large facilities. It is challenging that inspections can result in a finding of not enough staff, yet there is no minimum staffing number required. **AWG opted not to make this change.**

Rec D

- Revise for clarity on how to determine “a sufficient number of personnel,” provide a goal to work towards, reference document to seek resources.
- Establish minimum personnel to perform the duty.
- Technical assistance (TA) to establish minimum personnel by qualified rater.
- Compliance can be measured by:
 - TA completed – yes/no
 - Staffing level achieved – yes/no
 - Safety checks compliance/improve – yes/no**AWG opted not to make this change.**

Rec E

- Consider developing a separate regulation for 1) Number of Personnel and 2) Safety Checks. **AWG took action on this item by deleting all references to safety checks from this regulation and moving the deleted references to a new regulation, numbering it Section 1027.5.**
- Add “no more than 60 minute lapse between safety checks.” **AWG took action on this item by adding the sentence, “There shall be no more than 60 min lapse between safety checks.” to Section 1027.5.**
- Add “random” prior to safety checks and clarify “random” in safety check regulation: “Safety checks” means direct, visual observation performed at unscheduled random intervals within timeframes prescribed in these regulations to provide for the health and welfare of inmates. **AWG opted not to make this change.**

Rec F

Officers, and detention officers, often misunderstand the requirements when a female is held in custody at a local municipality prior to being transported to a county jail facility. It is unclear to most of them whether a female officer has to be present in the detention facility, or it is sufficient to have a female officer available to the detainee. **AWG took action on this item by deleting the phrase “in like manner” from the second paragraph.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

Prior language was confusing for the field and included dissimilar criteria in determining compliance (objectively counting safety checks and subjectively reviewing programs to assess staffing.) The revised regulation separates presumptive, objective standards (frequency of safety checks) from performance, subjective standards (assessment of staffing by verification of programs and activities). Safety checks are moved to a new regulation, Section 1027.5.

In the second paragraph, the phrase “in like manner” was deleted because the term was confusing.

4. What is the operational impact that will result from this revision; how will it change operations?

No impact to facility operations is anticipated.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

No fiscal impact to facility operations is anticipated.

6. How will BSCC measure compliance with this revision?

The division of this standard into two regulations will not change the process BSCC uses to determine compliance.

7. Summary of Workgroup Discussion and Intent

The Administration Workgroup discussed staff duties such as safety checks, the randomness of checks, and PREA. Their intent was to clarify the need for safety checks by removing that specific standard to its own regulation (new Section 1027.5) while avoiding standards which would unnecessarily limit individual administrators’ discretion, such as mandating “random” checks.

The workgroup also clarified the requirement for female staff members by removing the unnecessary phrase “in like manner” from the second paragraph.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1027.5 Safety Checks.

Safety checks shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60 minute lapse between safety checks. There shall be a written plan that includes the documentation of routine safety checks.

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

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

This new regulation consists of elements deleted from Section 1027. Prior to this edit, Section 1027 mixed presumptive standards (frequency of safety checks) and performance standards (subjective assessment of programs and activities). Separating these dissimilar types of criteria will eliminate confusion in interpreting inspection results and give agencies clearer direction to remedy points of non-compliance.

4. What is the operational impact that will result from this revision; how will it change operations?

No operational changes are anticipated.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

No fiscal changes are anticipated.

6. How will BSCC measure compliance with this revision?

BSCC already measures compliance with this regulation. No change in monitoring is anticipated.

7. Summary of Workgroup Discussion and Intent

The Administration Workgroup wanted to remove objective standards from Section 1027 to allow staff to more clearly understand their obligations and focus their remedial efforts when non-compliant. As now written, non-compliance with either Section 1027 or 1027.5 is more clearly demonstrated and corrective action can be more easily determined.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1028. Fire and Life Safety Staff.

Pursuant to Penal Code Section 6030(c), effective January 1, 1980, whenever there is an inmate 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.

2. ESC Notes/Recommendations

Clarify that this regulation applies differently to TII and III facilities and TH and CH facilities:

Pursuant to Penal Code Section 6030(c), effective January 1, 1980, whenever there is an inmate in custody, there shall be at least one person on duty at all times who meets the training standards established by the Corrections Standards Authority 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.

In TII and III facilities, Core training will suffice. In TH and CH facilities, Title 15, Section 1024 requirements will suffice.

Rationale: Since this regulation applies to all types of facilities, and the training requirements are so different, it would clarify which type of facility staff need what type of training, and help eliminate confusion. **AWG opted not to make this change, but did amend Section 1024 Court and Temporary Holding Facility Training, which accomplishes the intent of this recommendation.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.
- (4) Policy on the use of restraint equipment, including the restraint of pregnant inmates as referenced in Penal Code Section ~~6030~~ 3407.
- (5) Procedure and criteria for screening newly received inmates 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, searches of the facility and inmates, 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.
- (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; civil disturbance;
 - (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 of Inmates.
- (10) The policies and procedures required in subsections (6) and (7) may be placed in a separate manual to ensure confidentiality.

(b) The manual for court holding facilities shall include all of the procedures listed in subsection (a), except number (5).

(c) 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;
- (2) community contacts;
- (3) field supervision;
- (4) temporary release; and

(5) obtaining health care.

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

2. ESC Notes/Recommendations

The ESC requested the **Administration Workgroup** consider the input, while giving attention to the potential fiscal impact.

Rec A

1029(a)(7)(C) regulations should specify what is meant by “civil disturbance” and clarify the intent of having a policy and procedure for such an event. Is it meant to cover “mass arrests” during a civil disturbance? **AWG took action on this recommendation and replaced the phrase “civil disturbance” with the phrase “mass arrests.”**

Rec B

In-Text Addition: Facility administrator(s) shall develop and publish a manual of policy and procedures for the facility that is also translated into Spanish. And made available for Spanish speaking and/or English second learners.

Rationale: Facility administrators should not only focus on current duties, documentation, facility control and excessive force, jail management, discipline and apprehension, but also be reflected of jail population and linguistics especially of large populations such as Latino.

Fiscal/Operational Impact: Yes, it will require the shift from punitive and outdated policies and budget allocations throughout Title 15 and 24 to ensure quality assurance by addressing linguistic barriers. **AWG opted not to make this change.**

Rec C

(a)(4): Append to “and Penal Code Section 3407, including: an inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body; a pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public; restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary; upon confirmation of an inmate’s pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, but not limited to, the provisions of Penal Code Section 3407.” **Medical/Mental Health Workgroup (MMHWG) added new regulation Section 1058.5 Restraints and Pregnant Inmates; and 1122.5 Pregnant Minors. AWG took no action.**

(a)(5): Append “including an alternative custody program under Penal Code Section 1170.06.” **AWG opted not to make this change.**

Rec D

Policies and Procedures should continue to state that women known to be pregnant and women in recovery after delivery shall not be restrained; a clear review of each facility's compliance should be documented. **AWG opted not to make this change.**

Rec E

More definition is needed within each topic area listed, defining what exactly is needed. **AWG opted not to make this change.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

The Medical/Mental Health Workgroup notes that, in subsection (a) (4), the reference to Penal Code Section 6030(f) is not current. Adding reference to Penal Code Section 3407 helps to assure that facility operators would abide by those statutory requirements. The Administration Workgroup concurs with this recommendation.

In subsection (a)(7)(c), the Administration Workgroup deleted "civil disturbance" and added "mass arrests" to add clarity and specificity to the type of civil disturbance intended.

4. What is the operational impact that will result from this revision; how will it change operations?

The change to subsection (a)(4) will not impact facility operations because the limitations of PC 3407 are already imposed by statute.

The change to (a)(7)(c) will not impact facility operations.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

No fiscal impact is anticipated with either amendment.

6. How will BSCC measure compliance with this revision?

No change is anticipated in the manner with which BSCC determines compliance.

7. Summary of Workgroup Discussion and Intent

The Administration Workgroup clarified their understanding of "civil disturbance" to mean plans for a mass arrest situation.

The Medical/Mental Health Workgroup agreed to add reference to Penal Code Section 3407 in subsection (a) (4). They also agreed to put the detail of the statute in two new regulations: Section 1058.5 Restraints and Pregnant Inmates, and Section 1122.5 Pregnant Minors. These new

regulations to capture the statutory prohibitions on restraint of pregnant prisoners as required by Penal Code Section 3407. The Administration Workgroup concurs.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ ~~1219~~1030. Suicide Prevention Program.

Note to ESC: This regulation was reviewed first by the Medical/Mental Health Workgroup, whose proposed changes were forwarded to both the Minors in Detention Workgroup (MIDWG; no changes recommended) and the Administration Workgroup (changes proposed). The regulation rests in the Administration Workgroup's section – its proposed new location (previously in the Medical/Mental Health Workgroup's section).

While the bulk of this regulation review worksheet depicts the review outcome by the MMHWG and AWG due to the changes proposed to regulation by these two groups, the options being presented to the ESC for consideration are threefold:

1. The MMHWG proposes to amend the regulation as indicated on the following page.
2. The AWG proposes modification to the MMHWG's regulation changes as indicated on the following page.
3. The MIDWG proposes no change to existing regulation, as indicated below and explained in the Summary of Workgroup Discussion.

Existing Regulation (proposed by the MIDWG to remain as is):

§ 1219. Suicide Prevention Program.

The facility administrator and the health authority shall develop a written plan for a suicide prevention program designed to identify, monitor, and provide treatment to those inmates who present a suicide risk.

Medical/Mental Health Workgroup Proposed Regulation Changes:

The facility ~~shall have a comprehensive written suicide prevention program developed by the facility administrator, and the health authority and mental health director to shall develop a written plan for a suicide prevention program designed to~~ identify, monitor, and provide treatment to those inmates who present a suicide risk. The program shall include the following:

- (a) Suicide prevention training for all disciplines that have direct contact with inmates.
- (b) Intake screening for suicide risk immediately upon intake and prior to housing assignment.
- (c) Provisions facilitating communication among arresting officers, facility staff, medical and mental health personnel in relation to suicide risk.
- (d) Housing recommendations for inmates at risk of suicide, either individually or in a group setting.
- (e) Adequate supervision depending on level of suicide risk.
- (f) Suicide and suicide attempt intervention policies and procedures.
- (g) Provisions for reporting suicides and suicides attempts.
- (h) Multi-disciplinary administrative review of critical incidents as defined by the facility administrator.

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

Administration Workgroup Proposed Regulation Changes:

(Note that the changes proposed by the Medical/Mental Health Workgroup were accepted by the Administration Workgroup, with the proposed modifications shown below.)

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

- (a) Suicide prevention training for all ~~disciplines~~ staff that have direct contact with inmates.
- (b) Intake screening for suicide risk immediately upon intake and prior to housing assignment.
- (c) Provisions facilitating communication among arresting ~~officers~~ transporting officers, facility staff, medical and mental health personnel in relation to suicide risk.
- (d) Housing recommendations for inmates at risk of suicide, ~~either individually or in a group setting.~~
- (e) ~~Adequate~~ Supervision depending on level of suicide risk.
- (f) Suicide attempt and suicide ~~attempt~~ intervention policies and procedures.
- (g) Provisions for reporting suicides and suicides attempts.
- (h) Multi-disciplinary administrative review of ~~critical incidents~~ suicides and attempted suicides as defined by the facility administrator.

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

2. ESC Notes/Recommendations

The ESC requested the **Medical/Mental Health Workgroup** consider the input, giving attention to the following:

1. These are minimum standards.

Rec A

Also cited in 1055: Instead of the use of Safety Cells for suicide prevention, group housing of suicidal inmates when possible based on level and classification. Isolation only when absolutely necessary. Mental Health professionals complete an objective assessment of suicide risk level to determine which inmate necessitate isolation in a safety cell, and which may be housed in a group setting for a better outcome. Based on a 20 year study by the National Institute of Corrections survey of suicides in all county jails nationwide. That study recommended group housing and isolating only when unavoidable. **MMHWG, AWG and MIDWG opted not to make this change.**

Rec B

In-text Addition: ...a written plan for a suicide prevention program designed to identify, monitor, and provide treatment, either individually or in a group setting, to those inmates who present a suicide risk. **MMHWG, AWG and MIDWG opted not to make this change.**

Rec C

At a minimum, this section should:

1. More fully describe the components of an adequate prevention plan. At a minimum, it should include a program as described in National Commission on Correctional Health Care Standard J-G-05. **MMHWG created a new regulation and recommends including it in Title 15 as Section 1030; AWG concurs. MIDWG opted not to make this change.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

MMHWG and AWG: The current Section 1219 is located in Article 11, Medical/Mental Health Services and contains minimal direction to facility administrators. The new regulation, with increased requirements for a written suicide prevention program and placed in the operational regulations, will assure that facility administrators will have a comprehensive suicide prevention program in place.

The Medical/Mental Health Workgroup proposes changes that would include the health authority and mental health director in crafting policy. The option provided by the Administration Workgroup proposes that the facility administrator retains the sole policy-making authority, but confers with the health professionals. The other differing language between the two options is syntax.

4. What is the operational impact that will result from this revision; how will it change operations?

Policies and procedures will need to be expanded to include the requirements of this regulation. This will require input from and coordination with the health authority and mental health director. Along with policies and procedures, a training program will need to be created to support these new requirements.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

MMHWG and AWG: This regulation change could result in increased costs for policy and procedure development and training. Any increased costs are justified by the improved quality of inmate health care.

6. How will BSCC measure compliance with this revision?

The inspector will review the custody policies and procedures manual.

7. Summary of Workgroup Discussion and Intent

MMHWG: The Medical/Mental Health Workgroup agreed that moving the Suicide Prevention Program regulation to the operational regulations, and expanding upon the components will assure that facility administrators will have a comprehensive suicide prevention program in place.

AWG: The Administration Workgroup concurs with the MMHWG, with noted modifications.

MIDWG: The Minors in Detention Workgroup discussed the impact of 1030 on agencies without a recognized mental health director (such as Type I and Temporary Holding Facilities), the cost of imposing training, the impact of “shall” on the resources, and the likelihood that failure to reach an unrealistic expectation might be harmful in litigation.

One major objection was the inclusion of anyone having direct contact with inmates. The workgroup discussed that Type I court transportation is often conducted by patrol officers or other non-jail staff and the new regulation, as written, would mandate comprehensive training for many officers having only coincidental contact with inmates.

The Minors in Detention Workgroup recognizes the merit of changes reflected in 1030, but find it too burdensome for many agencies, especially smaller agencies. Existing regulation 1219 should be maintained and the changes of 1030 are not recommended by the Minors in Detention Workgroup.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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 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 in the case of fire.

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

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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 by categories of male, female and juvenile. 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.

2. ESC Notes/Recommendations

The ESC requested the **Administration Workgroup** consider the input, while giving attention to the following:

1. Consistency is needed among counties with what is counted and the definition of such.
2. Evaluate the Jail Profile Survey in comparison to the recommendations.
3. Consider who benefits and how it is shared.
4. Consider SB 272 mandates – Public Records Act.

AWG engaged in a discussion and considered each element in their considerations.

Rec A

In-text Addition & Change: 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 length of stay of those non-sentenced inmates by categories of male, female and juvenile.

Rationale: Facility administrators should not only focus on current duties, documentation, facility control and excessive force, jail management, discipline and apprehension, but also be reflected of jail population and linguistics especially of large populations such as Latino and ensure racial over-representation and disproportionately is addressed. Further, lack of pre-trial services assessments and needs assessments leave most facilities operating with lack luster data and overlook the role of data.

Fiscal/Operational Impact: Yes, it will require the shift from punitive and outdated policies and budget allocations throughout Title 15 and 24 and promote a data and research driven decision making. **AWG opted not to make this change.**

Rec B

In-text Addition: Each facility administrator shall also track time served at release, arresting agency, and sentencing offense or most serious offense charged and shall provide the Corrections Standards Authority with applicable inmate demographic information as described in the Jail Profile Survey. **AWG opted not to make this change.**

Rec C

Counties should report more demographic data in a way that allows for a cross-sectional empirical analysis, including: length of stay, sentencing offense for sentenced people, most serious offense charged, whether bail was set for non-sentenced people, race/gender information, and mental health diagnosis. **AWG opted not to make this change.**

- 3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)**

No amendments were made by the Administration Workgroup.

- 4. What is the operational impact that will result from this revision; how will it change operations?**

- 5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?**

- 6. How will BSCC measure compliance with this revision?**

- 7. Summary of Workgroup Discussion and Intent**

- 8. ESC Action/Response**

1. Regulation and Recommended Revision

§ 1041. Inmate Records.

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 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.

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

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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 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 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
- (16) 1081, Plan for Inmate Discipline
- (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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

Note to ESC: This regulation was reviewed first by the Medical/Mental Health Workgroup, whose proposed changes were then forwarded to both the Minors in Detention Workgroup and the Administration Workgroup. The regulation rests in the Administration Workgroup's section.

This regulation worksheet depicts the review by the three workgroups, which resulted in two options being proposed to the ESC for consideration.

1. The AWG and MIDWG propose to leave the regulation as it is currently written.
2. The MMHWG proposes to amend the regulation as follows:

§ 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 assure that there is an initial review of every in-custody death within 30 days. The review team shall include the facility administrator and/or the facility manager, 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.

2. ESC Notes/Recommendations

The ESC requested the **Administration Workgroup** consider the input, while giving attention to the following:

1. Need to clarify the type of death review that would be completed within 30 days.
2. Review NCCHC definitions.

Rec A

At a minimum this section should be revised to include that:

1. 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.

- **MMHWG agreed with this change.**
- **AWG offers the option of not making the change; questions about “clinical care” are not appropriately directed to custody staff.**
- **MIDWG offers the option of not making the change.**

2. All deaths are reviewed within 30 days.

- **MMHWG agreed with this change.**
- **AWG offers the option of not making the change; information critical to the review process is often not available within 30 days of the incident.**
- **MIDWG offers the option of not making the change.**

Reference: National Commission on Correctional Health Care Standard J-A-10;15CCR §3357

Rec B

After “in-custody death”, insert “and report under Government Code Sections 12525 and 12525.5”.

- **MMHWG and AWG opted not to make this change and noted that the reference to Government Code 12525.5 is not relevant to the regulation.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

MMHWG: The revisions in this regulation clarifies the type of death review and places a timeframe on when it is to be conducted.

MIDWG and AWG: The original regulation is correct as it is currently published and needs no amendments.

4. What is the operational impact that will result from this revision; how will it change operations?

MMHWG: The death in custody review was already required by these regulations. Adding the word "initial" along with the second paragraph clarifies that it is not an investigative review. This change does not affect facility operations. Adding that this review is to be done within 30 days merely places a time frame on the review and does not affect facility operations.

MIDWG and AWG: This original regulation is correct as it is currently published and needs no amendments.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

There is no fiscal impact to these amendments.

6. How will BSCC measure compliance with this revision?

MMHWG: Inspectors would need to review documentation that shows this initial review took place.

MIDWG and AWG: This regulation is correct as it is currently published and needs no amendments. As such, there will be no fiscal impact.

7. Summary of Workgroup Discussion and Intent

MMHWG: The Medical/Mental Health Workgroup agreed that the intent of the review described in this regulation is one of quality assurance. Adding the second paragraph clarified the intent of this regulation.

The group determined that clarifying that this was an "initial" review to be completed within 30 days would assure that circumstances surrounding the death in custody would be fresh in the minds of those involved.

AWG: The Administration Workgroup felt that the original regulation is adequate and appropriate. The Workgroup members noted that a review to determine the appropriateness of clinical care is beyond the scope of custody staff who would be bound by this regulation. Additionally, in their experience, not all required data will be available within 30 days to conduct a knowledgeable critical incident review.

MIDWG: The Minors in Detention Workgroup discussed Rec A (1&2) and stated that non-secure minors are not held in an area where adult prisoners will be located. Non-secure minors are in constant direct supervision of an officer at all times. No changes recommended.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 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.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Administration Workgroup, Medical/Mental Health Workgroup nor Minors in Detention Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response