

TITLE 15 MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES
SECTION 1006. DEFINITIONS
Proposed Revisions for ESC Initial Review 5.25.21
(5/5/2021)

Definition	Notes
<p>“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.</p>	
<p>“Administrative segregation<u>separation</u>” 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<u>separation</u> is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.</p>	<p>Change made by the Classification Segregation WG, Segregation is an outdated term.</p>
<p>“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.</p>	
<p>“Average daily population” means the number of inmates housed in a facility in a day. Average daily population (ADP) is the daily population divided by the number of days in the period of measurement.</p>	
<p>“Board” means the Board of State and Community Corrections, whose board acts by and through its executive director, deputy directors, and field representatives.</p>	

Definition	Notes
<p><u>“Cisgender” means a person whose gender identity corresponds to the gender they were assigned at birth.</u></p>	<p>The definitions for “Cisgender,” “Gender Expression,” “Gender Identity,” “Gender Fluidity,” “Gender Nonconforming,” “Intersex,” “Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ)” and “Transgender” are modified or proposed definitions to provide clarity to the terms, which are proposed to be included in numerous regulations.</p> <p>During the juvenile regulation revision, BSCC staff met with community representatives and representatives from the National Center for Lesbian Rights, National Center for Child Traumatic Stress, Children’s Defense Fund, and various subject matter experts who provided appropriate gender-related terminology and definitions. The definitions added to this section are identical to those added to the Juvenile Title 15 Regulations and are aligned with best practices for gender equity.</p>
<p>“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.</p>	
<p>“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.</p>	

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

Definition	Notes
<p>“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 <u>cognitive and intellectual disabilities</u>mental retardation, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to <u>cognitive and intellectual disabilities</u>mental retardation or to require treatment similar to that required for mentally retarded individuals.</p>	<p>Classification WG, also forwarded to MMH WG for their approval</p>
<p>“Direct visual observation” means direct personal view of the inmate in the context of his/her<u>their</u> surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.</p>	<p>Discipline WG added to ensure gender inclusivity.</p>
<p>“Disciplinary separation” means that punishment<u>sanction</u> status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit.</p>	<p>Classification WG, punishment is not a term that is used anymore</p>
<p>“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.</p>	
<p>“Disposal,” as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.</p>	

Definition	Notes
<p>“Emergency” means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.</p>	
<p>“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.</p>	
<p>“Exercise” means <u>the opportunity for</u> physical exertion of large muscle groups.</p>	<p>Classification WG, removed reference to large muscle groups because there are different forms of exercise (weights) that can achieve physical exertion</p>
<p>“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.</p>	
<p>“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.</p>	
<p>“Facility watch commander” means the individual designated by the facility manager to make operational decisions during his/her work hours.</p>	

Definition	Notes
<p><u>“Gender expression” means the manner in which gender is expressed through clothing, appearance, behavior, speech, etc</u></p>	<p>See notes above for definition of “cisgender.”</p>
<p><u>“Gender identity” means a person's sense of being male, female, some combination of male or female, or either male or female.</u></p>	
<p><u>“Gender fluidity” means a gender identity which can vary over time. A gender fluid person may at any time identify as male, female, neutrois, any other non-binary identity, or some combination of identities. Their gender can also vary at random or vary in response to different circumstances. Gender fluid people may also identify as multi-gender, non-binary, and/or transgender.</u></p>	
<p><u>“Gender Nonconforming” means an individual whose appearance or manner does not conform to traditional masculine and feminine gender norms.</u></p>	
<p>“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.</p>	
<p>“Health care” means medical, mental health and dental services.</p>	

Definition	Notes
<p>“In-person visit” means an on-site visit that may include barriers. In-person visits include interactions in which an inmate has physical contact with a visitor, the inmate is able to see a visitor through a barrier, or the inmate is otherwise in a room with a visitor without physical contact.</p>	
<p>“In-person visit” does not include an interaction between an inmate and a visitor through the use of an on-site two-way audio/video terminal.</p>	
<p><u>“Intersex” means an individual whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.</u></p>	<p>See notes above for definition of “cisgender.”</p>
<p>“Jail,” as used in Article 8, means a Type II or III facility as defined in the “Minimum Standards for Local Detention Facilities.”</p>	
<p>“Labeling,” as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.</p>	
<p>“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.</p>	

Definition	Notes
<p>“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.</p>	
<p><u>“Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQI)” is a diversity of sexuality and gender identity-based cultures. It may be used to refer to anyone who is non-heterosexual or non-cisgender, instead of exclusively to people who are lesbian, gay, bisexual, or transgender. To recognize this inclusion, the letter Q is for those who identify as queer or are questioning their sexual identity. The letter I stands for “intersex” which is defined above.</u></p>	<p>See above definition of “cisgender.”</p>
<p>“Living areas” means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include <u>sleeping areas</u>, special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.</p>	<p>Programs WG added “sleeping areas”</p>
<p>“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.</p>	

Definition	Notes
<p>“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.</p>	
<p>“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.</p>	
<p>“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.</p>	
<p>“May” is permissive; “shall” is mandatory.</p>	
<p>“Medical detoxification” means a process that systematically and safely withdraws people from <u>who may be addicted to addicting drugs or alcohol</u>, usually under the care of a <u>physician</u> licensed medical provider. <u>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.</u> The detoxification process is designed to treat the immediate bodily effects of stopping drug <u>or alcohol</u> use that may be life-threatening.</p>	<p>Type I and Temp Holding WG suggested removing "usually" and replacing "physician" with "licensed medical provider" as in some facilities a physician is not always available. The "and/or" was chosen to ensure that the definition is clear that medical detoxification doesnt have to include BOTH prescribed and illicit drugs, or physical OR psychological dependence.</p> <p>Note to ESC: the term “Medical Detoxification does not appear in any T15 regulations.</p>

Definition	Notes
<p>“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.</p>	
<p><u>“Out of cell time” means time spent outside of the sleeping area, where an individual has the opportunity to exercise or participate in recreation.</u></p>	<p>Added by Programs WG for consistency with regulation.</p>
<p>“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</p>	
<p>(1) the minor is under constant direct visual observation by the staff;</p>	
<p>(2) the minor is not locked in a room or enclosure; and,</p>	
<p>(3) the minor is not physically secured to a cuffing rail or other stationary object.</p>	
<p>“Non-sentenced inmate,” means an inmate with any pending local charges or one who is being held solely for charges pending in another jurisdiction.</p>	
<p>“Over-the-counter (OTC) Drugs,” as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).</p>	

Definition	Notes
<p>“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.</p>	<p>Medical and Mental Health WG proposed to delete this definition and instead adopt the ADA's definition of "Disabled" which means, "a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment."</p>
<p><u>“DisabledDisability” means a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment.</u></p>	<p>T 24 WG recommended this revision; to describe the “disability” not the person. Richard Diaz, Attorney with DRC.</p>
<p>“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.</p>	
<p>“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.</p>	
<p>“Procurement,” as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.</p>	

Definition	Notes
<p>“Psychotropic medication” means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.</p>	
<p>“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 housing, were planned and designed in conformity to the standards and requirements contained in Title 15 and in Title 24.</p>	
<p><u>“Recreation” means the individual's ability to choose from activities that occupy the attention and offer the opportunity for (out of cell time) relaxation (outside of their sleeping area) and may include reading, games, socialization, entertainment, education, and, programs.</u></p>	<p>Programs group added; there is no definition for recreation in existing regs.</p>
<p>“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.</p>	
<p>“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.</p>	
<p>“Repackaging,” as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturers' container to another properly labeled container.</p>	

Definition	Notes
<p>“Repair” means to restore to original condition or replace with like-in-kind.</p>	
<p>"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.</p>	
<p>“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.</p>	
<p>“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.</p>	<p>Type I and Temp Holding WG, edited definition for grammar and chose to keep "OR" rather than "AND" because a cuffing rail doesnt need to be in a locked/enclosed room to be consiered secure.</p>
<p>“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.</p>	
<p>“Sentenced inmate,” means an inmate that is sentenced on all local charges.</p>	<p>Type I and Temporary Holding WG, suggested removal of "on all local charges" because not all inmates are detained on loal charges.</p>

Definition	Notes
<p>“Sexual abuse” has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012), hereby incorporated by reference.</p>	
<p>“Sexual harassment” has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012), hereby incorporated by reference.</p>	
<p><u>“Sexual orientation” means a person's emotional, romantic, and sexual attraction for members of the same, opposite or both genders.</u></p>	<p>See definition for “cisgender” above.</p>
<p>“Shall” is mandatory; “may” is permissive.</p>	
<p>“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.</p>	
<p>“Storage,” as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.</p>	
<p>“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.</p>	
<p>“Supervisory custodial personnel” means those staff members whose duties include direct supervision of custodial personnel.</p>	

Definition	Notes
<p>"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.</p>	
<p>"Temporary custody" means that the minor is not at liberty to leave the law enforcement facility.</p>	
<p>"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.</p>	
<p><u>"Transgender" means an individual whose gender identity is different from their assigned sex at birth.</u></p>	
<p><u>"Trauma" is an experience that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.</u></p>	<p>Added by MID WG; these terms added to regs.</p>
<p>_ "Type I facility" means a local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced those committed to a city jail as an inmate worker, and <u>or</u> may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary</p>	<p>TH/Type I</p>

Definition	Notes
<p>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.</p>	
<p>“Type II facility” means a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.</p>	
<p>“Type III facility” means a local detention facility used only for the detention of convicted and sentenced persons.</p>	
<p>“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.</p>	
<p>“Video visitation” has the same meaning as Penal Code Section 4032.</p>	