

**TITLE 24 MINIMUM STANDARDS FOR THE DESIGN AND
CONSTRUCTION OF LOCAL DETENTION FACILITIES
PART 1, SECTION 13-102 AND
PART 2, SECTION 1231
(2019 California Building Code)**

**Proposed Revisions for ESC Initial Review 5.25.21
(5/5/2021)**

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PART 1, SECTION 13-102

MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

(a) Definitions.

The following definitions shall apply:

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the ~~Corrections Standards Authority~~ Board of State and Community Corrections pursuant to an application.

BOARD OF STATE AND COMMUNITY CORRECTIONS 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.

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.

DESIGN-BID-BUILD means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

DESIGN-BUILD means a construction procurement process in which both the design and construction of a project are procured from a single entity.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes cognitive and intellectual disabilities ~~mental retardation~~, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to cognitive and

~~intellectual disabilities mental retardation~~ or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means direct personal view of the inmate 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.

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

EXERCISE means activity that requires physical exertion of the large muscle group.

INMATE WORKER is defined as a person assigned to perform designated tasks outside of their 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.

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

LAW ENFORCEMENT FACILITY means a building that contains a Type I Jail or 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.

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 other statute.

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

NONSECURE 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; and,
- (4) the minor is not placed in a lockable room.

~~**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 ~~Corrections Standards Authority~~Board of State and Community Corrections.

PRELIMINARY DRAWINGS means, with respect to a design-build project, a site plan, architectural floor plans, elevations, outline specifications and a cost estimate for each utility, site development, conversion and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost and the nature of the improvement being proposed.

RATED CAPACITY means the number of inmate occupants for which a facility’s single- and double-occupancy cells, or dormitories, except those dedicated for medical or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

REMODEL means to alter the facility structure by adding, deleting, or moving any of the building’s components, thereby affecting any of the spaces specified in Title 24, Section 1231.

REPAIR means to restore to original condition or replace with like-in-kind.

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 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.

SHALL is mandatory; “may” is permissive.

SOBERING CELL ~~refers to a protected environment for individuals as referenced in Section 1056, refers to an initial “sobering up” place for arrestees who are sufficiently under the influence of 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.

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 those committed sentenced to a city jail as an inmate worker, and or 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.

WORKING DRAWINGS means, with respect to a design-build project, a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree

necessary for the purpose of accurate bidding by contractors and for the use of artisans in constructing the project.

Public Comment

BSCC staff recommends the term “and/or” (highlighted in yellow above) be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.

Discussion Notes

This section defines relevant terms used throughout Title 24, Part 1, Section 13-102, as they relate to the design and construction of local detention facilities.

The Workgroup reviewed each definition and the public comment from BSCC staff. The group concurred with related modifications proposed by other (Title 15) workgroups, choosing to propose those changes in Title 24. Discussion occurred regarding several of the terms, including but not limited to the application of the term “Concept Drawings,” language used in the definition of “Developmentally Disabled,” and “Rated Capacity”. The Workgroup members replaced all instances of the name “Corrections Standards Authority” with the correct agency name, “Board of State and Community Corrections” and proposed new definitions to provide Title 24 users with clarity.

The workgroup discussed several best practices during their review of these definitions, including the National Institute of Corrections’ Physical Plant Design and Operations, the American Correctional Association’s Planning and Design Guide, the Americans with Disabilities Act.

- **Operational impact:** There is no anticipated operational impact due to updating terminology.
- **Fiscal impact:** There is no anticipated operational impact due to updating terminology.

(b) Exclusions.

Title 24 of the California Code of Regulations, Sections 13-102 and 2-1013 which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the Board for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the Board in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least-restrictive regulation shall apply.

If, in the course of inspection of local detention facilities, the Board determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas which need to be remodeled and/or constructed, a definite time period over which the proposed modifications are planned, and a cost estimate including a description of the method of financing.

Public Comment

BSCC staff recommends the term “and/or” (highlighted in yellow above) be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.

Discussion Notes

This section outlines exclusions in applicability of these regulations to local detention facilities.

The Workgroup reviewed the regulation discussing how exclusions may apply in different situations or scenarios, and how standards are applicable based on the date of a letter of intent. The group concurred with the BSCC’s suggestion regarding the use of “and/or” language, choosing to strike “and/” in favor of “or” to ensure that agencies are not required to provide a plan for both renovation and construction if they aren’t planning both activities.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

(c) Initial planning for a local detention facility.

1. Letter of intent.

A city, county, city and county, or any combination thereof which has an intent to build or remodel any local detention facility shall immediately file a letter of intent with the Board.

2. Needs assessment study.

Any city, county, city and county, or region intending to construct a new Type I, II, III or IV facility or add 25 or more beds to an existing facility shall complete a needs assessment study. One copy of the needs assessment study shall be submitted to the Board prior to contracting for plans and specifications. The needs assessment shall include, but not be limited to, a description of:

- A. The elements of the system;
- B. The department's operational and design philosophy;
- C. The current inmate population;
- D. The classification system;
- E. Program needs, including planned academic programs to include special education programs and an analysis of performance in using programs that can reduce secure facility requirements;
- F. An analysis of the local trends and characteristics which influence planning assumptions about future corrections' systems change, including population projections, current and projected inmate populations, and program costs based on continuation of current policies and projections of alternative policies or programs on inmate population growth and program costs;
- G. The adequacy of staffing levels;
- H. The ability to provide visual supervision;
- I. The adequacy of record keeping;
- J. A history of the system's compliance with standards; and
- K. Any unresolved issues.

3. Operational program statement.

Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Board or the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-102 (c) 5 of these regulations for design-bid-build construction projects. The operational program statement must be submitted with the performance criteria or performance criteria and concept drawings for design-build construction projects. The operational program statement must include a description of the following:

- A. Intended capacity of facility.
- B. Security and classification of inmates to be housed.
- C. Inmate movement within the facility and entry and exit from security areas.
- D. Food preparation and serving.
- E. Commissary
- ~~E.~~ F. Staffing.
- ~~F.~~ G. Booking.

- ~~G.H.~~ Visiting and attorney reviews.
- ~~H.I.~~ Exercise.
- ~~I.J.~~ Programs.
- ~~J.K.~~ Medical services, including the management of communicable diseases.
- ~~K.L.~~ Cleaning and/or laundering.
- ~~L.M.~~ Inmate ~~segregation~~ separation as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, C.C.R.
- ~~M.N.~~ Court holding and inmate movement.
- ~~N.O.~~ Mental health services.
- ~~O.P.~~ Facilities for jail administration and operations staff.
- ~~P.Q.~~ Staff to staff communications system.
- ~~Q.R.~~ Management of disruptive inmates.
- ~~R.S.~~ Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies.
- ~~S.T.~~ Architectural treatment of space relative to preventing suicides by inmates.
- ~~T.U.~~ Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees.
- ~~U.V.~~ Intended type of facility.
- ~~V.W.~~ Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to ~~segregate~~ separate.
- ~~W.X.~~ Safety cell(s) as referenced by Title 15, Section 1055.
- ~~X.Y.~~ If minors ~~describe how to enter the security area for processing, and/or secure custody, or housing,~~ Describe how minors will movement within the secure areas of the facility and entry and exit from security areas be accomplished pursuant to separation requirements of Welfare and Institutions Code Section 208(a) and Section 1144 of these regulations.

4. Type III and Type IV facilities in existing buildings.

Wherever a city, county or combination thereof, intends to establish a Type III or Type IV facility in an existing building or buildings, notice shall be given to the Board whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official, and State Fire Marshal.

5. Submittal of plans and specifications.

All plans and specifications shall be submitted to the Board in compliance with Penal Code Section 6029.

1. For design-bid-build projects, one set of plans and specifications shall be submitted at the schematic design phase, at the design development phase and the construction document phase.
2. For design-build projects, one set of performance criteria or performance criteria and concept drawings shall be submitted before the county issues a request for proposals for the services of a design-build entity. One set of construction document drawings shall be submitted. Board staff shall respond in writing indicating compliance or noncompliance with these regulations.

6. Design requirements.

A. The design of a local detention facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 1231.

B. The design of a ~~Type I, Type II, Type III or Type IV~~ local detention facility, shall provide the following:

(1) Fire safety. The provisions of Title 19 and Title 24, Part 2 as they relate to detention facilities shall be incorporated into the facility design.

(2) Suicide hazards. Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by an inmate. The facility design shall avoid any surfaces, edges, fixtures or fittings that can provide an attachment for self-inflicted injury. The following features shall be incorporated in the design of temporary holding cells, temporary staging cells, sobering cells, safety cells, single occupancy cells and any other area where an inmate(s) may be left ~~alone~~ without direct visual observation:

- a. plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. The drinking fountain bubbler shall be without curved projections;
- b. towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
- c. supply and return grilles and any other vent or security cover shall have openings no greater than 3/16 inch or have 16-mesh per square inch;
- d. beds, desk surfaces and shelves shall have no sharp edges and be configured to prevent attachment;
- e. light fixtures shall be tamper resistant;
- f. fixtures such as mirrors shall be mounted using tamper-resistant fasteners; and
- g. fire sprinkler heads inside rooms shall be designed to prevent attachment.
- h. telephone cords shall be at a length that reduces the potential for use as a ligature.

(3) Health and sanitation. Provisions of Subchapter 4, Title 15, California Code of Regulations, and of the California Retail Food Code as they relate to detention facilities shall be incorporated into the facility design.

(4) Single- ~~and/or~~ double-occupancy cells. In any local detention system, the number of single ~~and/or~~ double-occupancy cells shall be that number, determined by the facility/system administrator in conjunction with the Board, necessary to safely manage the population of the facility/system based on a comprehensive needs assessment which accounts for those inmates projected to be:

- a. administrative ~~segregation~~ separation cases,
- b. persons with disabilities,
- c. custodial problems, ~~and/or~~
- d. likely to need individual housing for other specific reasons as determined by the facility/system administration. The total number of single- ~~and/or~~

double-occupancy cells shall not be less than 10 percent of the system's ~~Corrections Standards Authority~~ Board of State and Community Corrections rated capacity. The local detention facility/ system shall comply with all other design requirements contained in these regulations.

- (5) Staff and inmate safety.** Facilities shall be designed and/or equipped in such a manner that staff and inmates have the ability to summon immediate assistance in the event of an incident or an emergency.
- (6) Heating and cooling.** Provision shall be made to maintain a living environment in accordance with the heating, ventilating, and air conditioning requirements of Parts 2 and 4, and the energy conservation requirements of Part 6, Title 24, California Code of Regulations.
- (7) Acoustics.** Housing areas shall be designed and constructed so that the average noise level does not exceed 70 decibels during periods of activity and 45 decibels during sleeping hours.
- (8) Living areas.** Living areas shall be separated from the area for reception and booking.
- (9) Spaces for persons with disabilities.**

 - a. Spaces within the security perimeter such as day rooms and activity areas shall be located such that persons with disabilities will not be excluded from participating in any program for which he or she would otherwise be eligible. Accessible showers for inmates with disabilities shall be available.
 - b. All spaces of a local detention facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.
 - c. Facilities shall comply with applicable federal and state disability laws and regulations including, but not limited to, Title II of the Americans with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design. See 28 C.F.R. Section 35.152; 28 C.F.R. Section 35.151(k).
- (10) Security.** The design should facilitate security and supervision appropriate to the level of inmate custody including consideration of design and space as it relates to the prevention of sexual abuse and harassment.
- (11) Glazing.** Internal and external facility glazing shall be appropriate to the security level of the detention area or room.
- (12) Hair care space.** Space and suitable equipment must be provided in all Type II or Type III facilities ~~for men's haircutting and/or female hair dressing.~~
- (13) Floor drains** shall be provided where operationally and mechanically appropriate.

(14) A sewage system design capable of addressing items that could potentially impact ~~waste water~~wastewater systems.

(15) Medical/mental health care housing shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy rooms.

C. The design of a Court Holding or Temporary Holding facility must include and comply with the following subsections of Section 13-102(c)6B: (1), (2), (3), (5), (6), (7), (9), (10) and (13). Court holding facilities shall have separate paths of travel for inmates from those used by the public.

7. 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's local detention facility, pertinent to the proposal.
- C. The applicant's history of compliance or noncompliance with standards.
- D. A summary of the "totality of conditions" in the facility or facilities, including but 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, 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 the 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, the 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 13-102(c)8 of these regulations.

8. 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 13-102(c)7]. 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 noncompliance 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, 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 13-102(c)7].

The Board shall consider applications for alternative 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 members 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, city and county, may continue to operate under this status as long as they meet the terms of this regulation.

Public Comment

BSCC staff recommends the term “and/or” (highlighted in yellow above) be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.

Submitted by Pamila Lew, Senior Attorney, Disability Rights California

ADA Compliance

- Currently: Title 15 does not reference the federal Americans with Disabilities Act (ADA) regulations. Title 24 (design and construction regulations) at Part 1, Section 13-102(c)(6)(B)(9) references “Spaces for persons with disabilities”, requiring day rooms and activity areas to be accessible to people with disabilities, and accessible showers for people with disabilities. Title 24, Part 2 regulations only reference making cells “accessible” to its occupants. See Title 24, Part, 1231.3.1, 1231.3.2, 1231.3.3. Revision: Create a separate article in Title 15 to reference the ADA program access and ADA Accessibility Guidelines (ADAAG) standards that apply to California correctional facilities. See 28 C.F.R. § 35.152; 28 C.F.R. § 35.151(k), <https://www.access-board.gov/guidelines>; see also https://www.ada.gov/accessible_cells_prt.pdf (DOJ Accessible Cell Design Guide). The new article should also reference the ADA provisions that require an ADA coordinator and a grievance system to track and respond to disability issues. See 28 C.F.R. § 35.107; <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

It is also important to ensure that the regulations make clear that physical plant and design features – including those implemented for suicide prevention purposes (e.g., ligature-free components for shower seating, toilet area, and housing areas) – provide adequate physical accessibility for people with disabilities.

- Rationale: There have been many lawsuits, consent decrees, and settlements in California dealing with correctional facilities’ failure to meet ADA standards. A reference to the ADA will help to remind local jurisdictions that they are required to meet the state and federal accessibility standards. This could save local jurisdictions money in the long run in terms of renovations and litigation costs.

Discussion Notes

This section outlines submittal requirements for the initial planning of a local detention facility.

The Workgroup reviewed the regulation and public comments. There was lengthy discussion regarding the clarity of the regulation language and the lack of reference to other applicable laws, notably the Americans with Disabilities Act. Changes were made to ensure that regulation requirements are clear, grammatically correct, use current terminology, reference related state and federal laws and the correct state agency (BSCC) is referenced.

BSCC staff explained the need for clarity on the design requirements for suicide prevention; there have been many occasions where it was unclear if an inmate would be left alone in certain areas. Best practice indicates that the design of any area where an inmate is out of direct visual observation of staff be free of suicide hazards; the workgroup agreed to insert “without direct visual observation” to requirements on suicide hazards.

Following the Workgroup meeting, BSCC staff replaced the word “segregation” with “separation” at the request of the Workgroup to provide consistent language throughout these regulations. The word “Segregated” was replaced to ensure that the interpretation of the action of separation is not punitive.

There are many currently accepted national best practices related to the initial planning of local detention facilities. Workgroup members and staff considered as many as possible that were relevant to this regulation, including the National Institute of Corrections’ Physical Plant Design and Operations, American Correctional Association Planning and Design Guide, Americans with Disabilities Act Guidelines to Accessibly Cells, the Lindsay Hayes Checklist for the “Suicide-Resistant” Design of Correctional Facilities, and Office of the State Fire Marshal Fire and Life Safety building standards.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

PART 2, SECTION 1231

MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

1231.1 Definitions.

BOARD OF STATE & COMMUNITY CORRECTIONS means the Board of State & Community Corrections, which acts by and through its executive officer, deputy directors and field representatives.

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 is any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, and court holding facility used for the confinement of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors. The types of local detention facilities are as follows:

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.

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 usually pending arraignment 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 safe-keeping or ~~those committed~~ sentenced to a city jail as an inmate worker, and ~~or~~ 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 or 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.~~

OBSERVATION CELL means a cell used for housing an inmate under close observation.

TYPE II FACILITY means a local detention facility used for the detention of persons pending arraignment, after 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.

RATED CAPACITY means the number of inmate occupants for which a facility's single-and double-occupancy cells or dormitories, except those dedicated for medical or disciplinary ~~isolation housing~~ cell, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

Public Comment

BSCC staff recommends the term “and/or” be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.

Discussion Notes

This section defines relevant terms used throughout Title 24, Part 2, Section 1231, as they relate to the requirements of interior environments in local detention facilities.

The Workgroup reviewed the definitions and public comment choosing to strike “and/” in favor of “or,” replace an outdated reference to “isolation housing” to “cell,” accept proposed edits to the definition of “Type I Facility” that was proposed by the Title 15 Temporary Holding and Type I Facilities Workgroup, and propose a new definition for “observation cell” to accompany the newly proposed Section 1231.2.5.1., Observation Cell.

The workgroup discussed several best practices during their review of these definitions, including the National Institute of Corrections’ Physical Plant Design and Operations, the American Correctional Association’s Planning and Design Guide, the Americans with Disabilities Act.

- **Operational impact:** There is no anticipated operational impact due to updating terminology.
- **Fiscal impact:** There is no anticipated operational impact due to updating terminology.

1231.2 DESIGN CRITERIA FOR REQUIRED SPACES.

1231.2.1 Reception and booking.

Facilities where booking and housing occur shall have the following space and equipment:

1. Weapons locker as specified in Section 1231.3.12.
2. A holding cell or room for the confinement of inmates pending their booking, complying with Section 1231.2.2.
3. A sobering cell as described in Section 1231.2.4 if intoxicated, inmates who may pose a danger to themselves or others are held. Except for Temporary Holding facilities, ~~For~~ those facilities that accept male and female intoxicated inmates, two sobering cells shall be provided.
4. Access to a shower within the secure portion of the facility.
5. Provide access to a secure vault or storage space for inmate valuables.

Discussion Notes

This regulation outlines the design criteria requirements of reception and booking spaces within local detention facilities.

The Workgroup discussed the regulation noting that subsection two (2) needed to further specify that the cells referenced are intended to be holding cells. The group also discussed subsection three (3) where two sobering cells are required; members voiced that Temporary Holding facilities may not have female staff available, the space or funds to build sobering cells.

The National Institute of Corrections' Physical Plant Design and Operations and the American Correctional Association's Planning and Design Guide were considered at national best practices during review of this regulation.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.2.2 Temporary holding cell or room.

A temporary holding cell or room shall:

1. Contain a minimum of 10 square feet (0.93 m²) of floor area per inmate;
2. Be limited to no more than 16 inmates;
3. Be no smaller than 40 square feet (3.7 m²) and have a clear ceiling height of 8 feet (2438 mm) or more;
4. Contain seating to accommodate all inmates as required in Section 1231.3;
5. Contain a toilet, wash basin and drinking fountain as specified in Section 1231.3;
6. Maximize visual supervision of inmates by staff; and
7. When located in a temporary holding facility, the cell or room shall be equipped with a bunk if inmates are to be held longer than 12 hours.

Discussion Notes

Section 1231.2.2 outlines the design and construction requirements of temporary holding cells or rooms.

Workgroup members discussed the regulation and whether some of the federal Prison Rape Elimination Act (PREA) requirements should be adopted. The addition of partitions and modesty walls were suggested; however, the group could not reach consensus on how those attributes would comply with PREA or how a specific height or width could be required given that facilities will have differently sized and shaped cells. PREA-like requirements on the prevention of sexual abuse and harassment were adopted (Title 24, Part 1, Section 13-102(6)(B)(10) Security) in previous years and Workgroup members felt that language was sufficient and that no changes to this section are necessary.

The workgroup discussed several best practices during their review of this regulation, including the National Institute of Corrections' Physical Plant Design and Operations, the American Correctional Association's Planning and Design Guide, the Americans with Disabilities Act, and PREA.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.2.3 Temporary staging cell or room.

A temporary staging cell or room shall:

1. Be constructed for the purpose of holding inmates who have been classified and ~~segregated~~ separated in accordance with Sections 1050 and 1053 of Title 15, Division 1, California Code of Regulations.
2. Be limited to holding inmates up to four hours.
3. Be limited to no more than 80 inmates.
4. Contain a minimum of 10 square feet (0.93 m²) of floor area per inmate and a clear ceiling height of 8 feet (2438 mm) or more.
5. Be no smaller than 160 square feet (14.9 m²).
6. Contain seating to accommodate all inmates as required in Section 1231.3.
7. Contain toilet, wash basin and drinking fountain as specified in Section 1231.3.
8. Maximize visual supervision of inmates by staff.

Discussion Notes

No revisions recommended.

Following the Workgroup meeting, BSCC staff replaced the word “segregated” with “separated” at the request of the Workgroup to provide consistent language throughout these regulations. The word “Segregated” was replaced to ensure that the interpretation of the action of separation is not punitive.

While there is no single identified best practice, the group did consider the National Institute of Corrections’ Physical Plant Design and Operations, the American Correctional Association’s Planning and Design Guide, the Americans with Disabilities Act, and PREA while reviewing this regulation.

1231.2.4 Sobering cell.

A sobering cell shall:

1. Contain a minimum of 20 square feet (1.9 m²) of floor area per inmate;
2. Be limited to eight inmates;
3. Be no smaller than 60 square feet (5.6 m²) and have a clear ceiling height of 8 feet (2438 mm) or more;
4. Contain a toilet, wash basin and drinking fountain as specified in Section 1231.3;
5. Have padded partitions located next to toilet fixture in such a manner that they provide support to the user;
6. Maximize visual supervision of inmates by staff;
7. Be padded on the floor as specified in Section 1231.3; and,
8. Have accessible a shower in the secure portion of the facility.

Discussion Notes

Section 1231.2.4 outlines the requirements for design and construction of cells intended to be used as a protective environment for individuals sufficiently under the influence of any substance.

The Workgroup reviewed the regulation and discussed the use of a raised, off of the ground, partition (as was suggested during discussion of Section 1231.2.3) which would be padded and that would provide custody staff the visual supervision capabilities that is necessary for the safety of individuals in Sobering Cells. Members agreed that this is more of a design issue that should be worked out between agencies and their architects, ultimately no changes were made.

While there is no single identified best practice, the group did consider the National Institute of Corrections' Physical Plant Design and Operations, the American Correctional Association's Planning and Design Guide, the Americans with Disabilities Act, PREA, California Penal Code 647(f) regarding public intoxication, and California Vehicle Code 23152 regarding driving under the influence, while reviewing this regulation.

1231.2.5 Safety cell.

A safety cell shall:

1. Contain a minimum of 48 square feet (4.5 m²) of floor area with no one floor dimension being less than 6 feet (1829 mm) and a clear ceiling height of 8 feet (2438 mm) or more;
2. Be limited to one inmate;
3. Contain a flushing ring toilet, capable of accepting solid waste, mounted flush with the floor, the controls for which must be located outside of the cell;
4. Be padded as specified in Section 1231.3;
5. Be equipped with a variable intensity, security-type lighting fixture which is inaccessible to the inmate occupant, control of which is located outside of the cell;
6. Provide one or more vertical view panels not more than 4 inches (102 mm) wide nor less than 24 inches (610 mm) long which shall provide a view of the entire room;
7. Provide a food pass with lockable shutter, no more than 4 inches (102 mm) high, and located between 26 inches (660 mm) and 32 inches (813 mm) as measured from the bottom of the food pass to the floor; and,
8. Any wall or ceiling mounted devices must be inaccessible to the inmate occupant.

Discussion Notes

This sections outlines the design and construction requirements for Safety Cells in local detention facilities.

The Workgroup reviewed the regulation for safety cells, questioning whether a cuffing port requirement should be inserted in addition to the exiting food pass with lockable shutter. After reviewing the different uses and styles of ports available, the group chose not to include cuffing ports. Workgroup members also discussed the requirement of cameras in safety cells, which must be mounted in such a way that they are inaccessible to inmates. No changes were made to this section.

Workgroup members considered best practices of the National Institute of Corrections' Physical Plant Design and Operations, National Institute of Justice Jail Construction in California regarding modesty and not revealing or emphasizing figures, and the American Correctional Association's Planning and Design Guide.

1231.2.5.1 Observation cell.

An observation cell shall:

1. Contain a minimum of square feet as specified in Sections 1231.2.6 or 1231.2.7;
2. Clear ceiling height of 8 feet (2438 mm) or more;
3. Contain a toilet, wash basin and drinking fountain as specified in Section 1231.3;
4. Equipped with a variable intensity, security-type lighting fixture which is inaccessible to the inmate occupant, control of which is located outside of the cell;
5. The door into this room shall be provided with a view panel, a minimum of 144 square inches (92,903 mm²);
6. Provide a food pass with lockable shutter, no more than 4 inches (102 mm) high, and located between 26 inches (660 mm) and 32 inches (813 mm) as measured from the bottom of the food pass to the floor;
7. Any wall or ceiling mounted devices must be inaccessible to the inmate occupant;
8. Contain a bed as specified in Section 1231.3.5; and,
9. Contain a desk and chair as specified in Section 1231.3.11. The desk and chair may be removable as necessary for safety.

Note to ESC: See notes in Title 15, Sections 1055 Safety Cell and 1056, Sobering Cell. This is the first draft of a newly proposed space in local detention facilities. The ESC should carefully review this regulation, the proposed requirements, operational impact, and regulatory intent.

Discussion Notes

This proposed section will provide specifications for the design and construction of space used for the close observation of an inmate. An observation cell may be used as a “step-down” option for incarcerated persons who require closer observation but do not meet criteria for placement in a safety or sobering cell.

While reviewing Part 1, Section 13-102(c) initial planning for detention facilities, Workgroup members discussed the need for a cell that would function as a “step-down” option for inmates who don’t need to be in a safety cell, but also aren’t ready to go back to their dorm, single or double cell. The group discussed at length the necessary attributes that this new observation cell would require, ultimately choosing to propose the version shown above.

While there is no single identified national best practice that necessitated the proposed changes, the workgroup did review and consider the Title 24 Minimum Standards for Local Detention Facilities Parts One and Two, the National Institute of Justice Jail Construction in California regarding modesty, National Institute of Corrections Physical Plant Design and Operations, American Correctional Association Planning and Design Guide, and the Lindsay Hayes National Review of Jail Suicides and related publications on facility design.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.2.6 Single-occupancy cells.

Single-occupancy cells shall:

1. Have a maximum capacity of one inmate;
2. Contain a minimum of 60 square feet (5.6 m²) of floor area in Type I facilities and 70 square feet (6.5 m²) of floor area in Type II and Type III facilities;
3. Have a minimum clear ceiling height of 8 feet (2438 mm) and a minimum width of 6 feet (1829 mm);
4. Contain a toilet, wash basin and drinking fountain as specified in Section 1231.3; and
5. Contain a bunk, desk and seat as specified in Section 1231.3.

Exception: A Type I facility does not require a desk and seat.

Discussion Notes

No revisions recommended.

While there is no single identified “best practice” on single-occupancy cells, the workgroup and BSCC staff reflected on the American Disability Act Guidelines to Accessibly Cell, Department of Justice ADA Section 504 Design Guide: Accessibly Cells in Correctional Facilities, National Institute of Justice Jail Construction in California, the National PREA Resource Center regarding sexual safety in confinement, the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide.

1231.2.7 Double-occupancy cells.

Double-occupancy cells shall:

1. Have a maximum capacity of two inmates;
2. Contain a minimum of 60 square feet (5.6 m²) of floor area in Type I facilities and 70 square feet (6.5 m²) of floor area in Type II and Type III facilities;
3. Have a minimum clear ceiling height of 8 feet (2438 mm) and a minimum width of 6 feet (1829 mm);
4. Contain a toilet, wash basin and drinking fountain as specified in Section 1231.3; and
5. Contain two bunks, and at least one desk and seat as specified in Section 1231.3.

Exception: A Type I facility does not require a desk and seat.

Discussion Notes

No revisions recommended.

While there is no single identified “best practice” on double-occupancy cells, the workgroup and BSCC staff reflected on the American Disability Act Guidelines to Accessibly Cell, Department of Justice ADA Section 504 Design Guide: Accessibly Cells in Correctional Facilities, National Institute of Justice Jail Construction in California, the National PREA Resource Center regarding sexual safety in confinement, the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide.

1231.2.8 Dormitories.

Dormitories shall:

1. Contain a minimum of 50 square feet (4.7 m²) of floor area per inmate for a single-~~bed unit~~bunk fixture; a minimum of 70 square feet (7 m²) for a double-~~bed bunk fixture~~unit; and a minimum of 90 square feet (9.3 m²) for triple-~~bed bunk fixture~~unit and have a minimum ceiling height of 8 feet (2438 mm);
2. Be designed for no more than 64 inmates and no fewer than four inmates;
3. Provide access to water closets separate from the wash basin and drinking fountains as specified in Section 1231.3; and
4. In other than Type I facilities, provide storage space for personal items and clothing for each occupant.

Discussion Notes

This section outlines the requirements for dormitory spaces within a local detention facility.

Workgroup members reviewed the regulation discussing that the single, double, triple requirements should be removed because they aren't dormitories. Staff explained that language on multiple cells was removed sometime in the 1980s, as a side note, Florida also has dormitories which include space for two or more inmates. The requirements in 1231.2.8(1), provide calculations for the types of beds which may be in a dormitory, they are not to be interpreted to mean that there is only one or two inmates in a dorm. Members felt that the proper, more specific term to use rather than "bed unit" is "bunk fixture". The location of storage space was also discussed as some members were concerned that facilities may build storage space that is removed (down the hall) from the dormitory and therefore not accessible to the inmates; however, the regulation is clear that the requirement for storage is specific to dormitory spaces, no changes were made regarding the issue.

While there is no single identified "best practice" on double-occupancy cells, the workgroup and BSCC staff reflected on the American Disability Act Guidelines to Accessibly Cell, Department of Justice ADA Section 504 Design Guide: Accessibly Cells in Correctional Facilities, National Institute of Justice Jail Construction in California, the National PREA Resource Center regarding sexual safety in confinement, the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide.

- **Operational impact:** There is no anticipated operational impact due to updating terminology.
- **Fiscal impact:** There is no anticipated operational impact due to updating terminology.

1231.2.9 Dayrooms.

Dayrooms or dayroom space shall:

1. Contain 35 square feet (3.3 m²) of floor area per inmate in width in front of cells/rooms;
2. Contain tables and seating to accommodate the maximum number of inmates;
3. Provide access to water closets, wash basins and drinking fountains as specified in Section 1231.3;
4. Provide access to a shower or showers as specified in Section 1231.3; and
5. Be provided to all inmates in Type II and Type III facilities (except those housed in special-use cells) and to inmate workers in Type I facilities. Dayroom space as described in this section may be a part of a single occupancy cell used for administrative ~~segregation~~separation or a dormitory, in which case the floor area of the cell or a dormitory must be increased by the square footage required for the dayroom.

Discussion Notes

No revisions recommended.

Following the Workgroup meeting, BSCC staff replaced the word “segregated” with “separated” at the request of the Workgroup to provide consistent language throughout these regulations. The word “Segregated” was replaced to ensure that the interpretation of the action of separation is not punitive.

While there is no single identified “best practice” on Dayrooms, the workgroup and BSCC staff reflected on the American Disability Act Guidelines to Accessibly Cell, Department of Justice ADA Section 504 Design Guide: Accessibly Cells in Correctional Facilities, National Institute of Justice Jail Construction in California, the National PREA Resource Center regarding sexual safety in confinement, the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide.

1231.2.10 Exercise area.

A dedicated exercise area or areas must be provided in every Type II and Type III facility. An outdoor exercise area or areas must be provided in every Type II and Type III facility is preferred however, it may not be practical, due to design space or the environment. Either indoor or outdoor, the exercise area shall accommodate the ability for large muscle activities and create the ability to provide:

(a) Natural light and access to fresh air;

(b) Security and supervision appropriate to the level of custody;

(c) At least one exercise area of not less than 600 square feet (55.7 m²);

(d) The mMinimum clear height must be 15 feet (4572 mm);

(e) Lighting to allow for evening activities;

(f) Free access to a toilet, wash basin, and drinking fountain as provided in Section 1231.3;

(g) Access for inmates individuals with disabilities; and,

(a)(h) _____ and the mMinimum number of square feet of surface area will be computed by multiplying 80 percent of maximum rated population by 50 square feet (4.7 m²) and dividing the result by the number of one-hour exercise periods per day.

~~The exercise area must contain or provide free access to a toilet, wash basin, and drinking fountain as provided in Section 1231.3.~~

~~There must be at least one exercise area of not less than 600 square feet (55.7 m²). The design shall facilitate security and supervision appropriate to the level of custody. Type IV facilities shall have an outdoor recreation area or access to community recreation facilities.~~

ESC Recommendation

The ESC discussed the definition of “outside” and how the regulations could reference natural light and exposure to the elements and fresh air. The workgroup should:

- Review definitions or illustrations that may be helpful in providing safe spaces and reduce the risk of contracting Valley Fever.
- Discuss the definition of “outside”.
- Review relevant remediation plans.

Discussion Notes

This regulation outlines the requirements for the design and construction of exercise areas in local detention facilities.

The Workgroup reviewed the regulation and discussed the ESC’s recommendations. Lengthy discussion occurred regarding natural light and outdoor spaces as the group felt strongly that natural light and fresh air must be provided to individuals, and that flexibility regarding the feasibility of outdoor spaces be specified in regulation. Members reviewed examples of existing exercise areas, both indoors and outdoors to understand how the

regulation has been interpreted in the past. BSCC staff provided the group with the language above, which the Workgroup members concurred with.

In addition to best practices listed below, the Workgroup and BSCC staff also considered recent and current litigation in local detention facilities that points to the availability of fresh air for persons housed in those facilities. Additionally, operational Title 15 requirements for exercise and recreation were considered.

Title 24 Minimum Standards for Local Detention Facilities, Part One and Two
Texas State Jail Standards – One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas should be provided for exercise during inclement weather.

National Institute of Justice – Jail Construction in California, Modesty not revealing or emphasizing the figure

National PREA Resource Center – Address sexual safety in confinement

National Institute of Corrections – Physical Plant Design and Operations

American Correctional Association - Planning and Design Guide

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.2.11 Correctional program/multipurpose space.

An area for correctional programming must be provided in every Type II and Type III facility. The program area and furnishings shall be designed to meet the needs specified by the facility's program statement.

Type IV facilities shall have multipurpose space for games and activities, dining, visiting, TV meetings and quiet space for study and reading, such that activities do not conflict with each other.

Discussion Notes

No revisions recommended.

While there is no single identified "best practice" for correctional program or multipurpose space, the workgroup and BSCC staff reflected on the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide. Workgroup members also considered the operational requirements in Title 15 that specify programs and educational services that must occur in local detention facilities. It is best and commonly accepted practice to ensure adequate space for programs and activities inside local detention facilities.

1231.2.12 Medical examination room.

There must be a minimum of one suitably equipped medical examination room in every facility which provides on-site health care. The examination room shall be designed in consultation with the responsible physician/health authority. Such a medical examination room shall:

1. Be located within the security area and provide for privacy of the inmates;
2. Provide not less than 100 square feet (9.3 m²) of floor space with no single dimension less than 7 feet (2134 mm);
3. Provide hot and cold running water;
4. Provide lockable storage for medical supplies;
5. Provide an examination table;
6. Provide adequate lighting; and
7. Any room where medical procedures are provided must be equipped with hot and cold running water

Discussion Notes

The Workgroup reviewed the regulation outlining requirements for medical examination rooms in local detention facilities, noting the duplication of hot and cold running water in subsections (3) and (7). Staff explained that past regulation revision workgroups had suggested the duplicative language specifically to ensure that any room where a medical procedure may occur has hot and cold water available, regardless of whether that room was constructed to the minimum standards of a medical examination room. Members discussed moving the requirement to another section, however, Section 1231.2.12, seemed to be the only applicable option. No changes were made.

While discussing requirements for medical examination rooms, the workgroup and BSCC staff considered the best practices of the National Institute of Corrections Physical Plant Design and Operations, National Institute of Justice Jail Construction in California, the National PREA Resource Center regarding sexual safety in confinement, the National Commission on Correctional Health Care (J-D-03, Clinic Space, Equipment, and Supplies), and other applicable Title 24 minimum standards.

1231.2.13 Pharmaceutical storage space.

Provide lockable storage space for medical supplies and pharmaceutical preparations as referenced by Title 15, California Code of Regulations, Section 1216.

Discussion Notes

No revisions recommended.

While there is no single identified national best practice that necessitated changes to pharmaceutical storage space requirements above, the Workgroup and BSCC staff considered the best practices of the National Commission on Correctional Health Care (J-D-01 Pharmaceutical Operations and J-D-03, Clinic Space, Equipment, and Supplies), National Institute of Corrections Physical Plant Design and Operations, California Pharmacy Board, Title 15 Section 1216 regarding medical supplies, and other applicable Title 24 minimum standards.

1231.2.14 Medical care housing.

There shall be some means to provide medical care and housing of ill ~~and/or~~ infirm inmates. When the program statement for a Type II or Type III facility indicates that medical care housing is needed, such housing must provide lockable storage space for medical instruments and must be located within the security area of the facility accessible to both female and male inmates, but not in the living area of either. The medical care housing unit shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy cells.

If negative pressure isolation rooms are being planned, they shall be designed to recognized industry standards.

Public Comment

BSCC staff recommends the term “and/or” (highlighted in yellow above) be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.

Discussion Notes

This section outlines requirements for spaces used for medical care housing in Type II and III facilities. The workgroup reviewed the regulation and the BSCC’s comment to remove the use of “and/or,” choosing to strike “and/” in favor of “or” because “ill” and “infirm” are two different medical situations.

While reviewing this regulation the Workgroup and BSCC staff considered the following as national best practices regarding medical care housing; the National Institute of Corrections Physical Plant Design and Operations, and National Commission on Correctional Health Care (J-D-03, Clinic Space, Equipment, and Supplies).

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.2.16 Commissary.

In all Type II, III and IV facilities, except where community access is available, there shall be provisions made for inmates to purchase items (such as candy, toilet articles, stationery supplies, books, newspapers and magazines, etc.). Unless an outside vendor is used, aAn area shall be provided for the secure storage of the stock for such inmate canteen items.

Discussion Notes

This regulation outlines the requirement for commissary space in Type II, III and IV facilities.

Workgroup members discussed the regulation requirement for space to secure commissary stock, noting that some agencies choose to use vendors to stock their commissary items and therefore do not need the space. The group agreed to insert clarifying language that unless an outside vendor is to be used, the area shall be provided.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.2.17 Dining facilities.

In all Type II, III and IV facilities which serve meals, dining areas shall be provided which will allow groups of inmates to dine together. Such dining areas shall not contain toilets, wash basins or showers in the same room without appropriate visual barrier. Wherever the facility contains a central dining room or rooms, it shall contain a minimum of 15 square feet (1.4 m²) of floor space and sufficient tables and seating for each inmate being fed.

Discussion Notes

No revisions recommended.

While reviewing the requirements for dining facilities, Workgroup members and BSCC staff reflected on the best practices of the National Institute of Corrections Physical Plant Design and Operations, California Disability Act, and the Americans with Disabilities Act.

1231.2.18 Visiting space.

Space shall be provided in all Types I, II, III and IV facilities for in-person visiting.

Discussion Notes

This section outlines the requirements for visiting spaces within local detention facilities.

The Workgroup reviewed the requirements for visiting space, questioning if the regulation allows for the design and construction of video visitation spaces. Staff explained that yes, video visitation is still allowed but it isn't in regulation because it is an option, not a minimum standard. No revisions were recommended.

Workgroup members and BSCC staff considered the provisions of recent legislation related to the requirement for in-person visitation in local detention facilities (AB 103, Statutes of 2017), noting that Title 15 operational standards will ensure that in-person visiting be required (except where specified). The National Institute of Corrections Physical Plant Design and Operations, and American Correctional Association Planning and Design Guide were also discussed as national best practices on visiting spaces.

1231.2.19 Safety equipment storage.

A secure area shall be provided for the storage of safety equipment such as fire extinguishers, self-contained breathing apparatus, wire and barcutters, emergency lights, etc.

Discussion Notes

No revisions recommended.

The Workgroup considered the best practices of the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide while reviewing the requirements of this regulation.

1231.2.20 Janitors' closet.

In Type II facilities, at least one securely lockable janitors' closet with sufficient area for the storage of cleaning implements and supplies must be provided within the security areas of the facility. A mop sink shall also be available within the security area of the facility. In court holding, temporary holding, Types I, III and IV facilities, the closet need not be in the security area.

Discussion Notes

No revisions recommended.

The Workgroup considered the best practices of the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, and PREA while reviewing the requirements of this regulation.

1231.2.21 Storage rooms.

One or more storage rooms shall be provided to accommodate a minimum of 80 cubic feet (2.3 m³) of storage area per inmate for inmate clothing and personal property, institutional clothing, bedding and supplies. Court holding, temporary holding and Type I facilities may be excluded from the storage space requirement for personal and institutional clothing unless clothing is issued.

Discussion Notes

No revisions recommended.

The Workgroup considered the best practices of the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide while reviewing the requirements of this regulation.

1231.2.22 Audio monitoring system.

In court holding, temporary holding, Type I, Type II and Type III facilities there shall be an inmate-actuated or sound-actuated audio monitoring system in temporary holding cells or rooms, temporary staging cells or rooms, sobering cells, safety cells, observation cells, single and double occupancy cells, dormitories, dayrooms, exercise areas, dining rooms and correctional program/multipurpose space, which is capable of alerting personnel who can respond immediately.

Discussion Notes

This section outlines the requirements for local detention facilities to have inmate and sound actuated audio monitoring systems.

Workgroup members reviewed the requirements for audio monitoring systems and felt that the language implies facility staff should have the ability to listen in, which isn't the intent. The modifications proposed are for clarity and to ensure that audio monitoring systems are included in dining rooms. BSCC staff has proposed a correction in the first sentence, where "Type II" is listed twice; the second "Type II" should be "Type III".

"Observation cells" was added to the list of spaces that require audio monitoring to be consistent with the new proposed regulation 1231.2.5.1. Observation Cell.

While there was no single identified national best practice that necessitate the proposed changes, the Workgroup did consider and discuss the requirements set forth by the Fire and Life Safety Division of the Office of the State Fire Marshal, the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.2.23 Laundry facilities.

In Type IV facilities, provision shall be made for washing and drying personal clothing by machines, either in the facility or in the community, if access is permitted for same.

Discussion Notes

No revisions recommended.

The Workgroup considered the best practices of the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide while reviewing the requirements of this regulation.

1231.2.24 Emergency power.

There shall be a source of emergency power in all detention facilities capable of providing minimal lighting in all housing units, activities areas, corridors, stairs and central control points, and to maintain fire and life safety, security, communications and alarm systems. Such an emergency power source shall conform to the requirements specified in Title 24, Part 3, Article 700, California Electrical Code, California Code of Regulations.

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered the best practices of existing Title 24, Part 3, Article 700, California Electrical Code, California Code of Regulation.

1231.2.25 Confidential interview rooms.

There must be a minimum of one suitably furnished interview room for confidential interviews in every facility which provides onsite health care. The interview room shall be designed in consultation with responsible custodial staff and health care staff. Such an interview room shall:

1. Be located within the security area accessible to both female and male inmates; and
2. Provide not less than 70 square feet (6.5 m²) of floor space with no single dimension less than 6 feet (1829 mm).

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, American Correctional Association Planning and Design Guide, and PREA as national best practices.

1231.2.26 Attorney interview space.

All facilities except Type IV facilities shall include attorney interview areas which provide for confidential consultation with inmates.

Exception: The design of court holding and temporary holding facilities shall include the following required spaces from Sections 1231.2.2, 1231.2.19, 1231.2.20, 1231.2.21, 1231.2.22, 1231.2.24 and 1231.2.26.

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered recent legislation, Title 15 Minimum Standards for Local Detention Facilities, the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide as national best practices on interview spaces.

1231.3 DESIGN CRITERIA FOR FURNISHINGS AND EQUIPMENT

1231.3.1 Toilets/urinals.

1. Toilets/urinals must be provided in single-occupancy cells and double-occupancy cells.
2. In dormitories, toilets/urinals must be provided in a ratio to inmates of 1:10.
3. Toilets/urinals must be accessible to the occupants of day-rooms and exercise areas.
4. In temporary holding cells and temporary staging cells toilets/urinals must be provided in a ratio to inmates of 1:16.
5. In sobering cells toilets/urinals must be provided in a ratio to inmates of 1:8.
6. One urinal or 2 feet (610 mm) of urinal trough may be substituted for each toilet up to one third of the total number of toilets required, except in those facilities or portions thereof used for females.
7. Toilet areas shall provide modesty for inmates with staff being able to visually supervise.

Public Comment

Submitted by Pamela Lew, Senior Attorney, Disability Rights California

ADA Compliance

- Currently: Title 15 does not reference the federal Americans with Disabilities Act (ADA) regulations. Title 24 (design and construction regulations) at Part 1, Section 13-102(c)(6)(B)(9) references “Spaces for persons with disabilities”, requiring day rooms and activity areas to be accessible to people with disabilities, and accessible showers for people with disabilities. Title 24, Part 2 regulations only reference making cells “accessible” to its occupants. See Title 24, Part, 1231.3.1, 1231.3.2, 1231.3.3. Revision: Create a separate article in Title 15 to reference the ADA program access and ADA Accessibility Guidelines (ADAAG) standards that apply to California correctional facilities. See 28 C.F.R. § 35.152; 28 C.F.R. § 35.151(k), <https://www.access-board.gov/guidelines>; see also https://www.ada.gov/accessible_cells_prt.pdf (DOJ Accessible Cell Design Guide). The new article should also reference the ADA provisions that require an ADA coordinator and a grievance system to track and respond to disability issues. See 28 C.F.R. § 35.107; <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

It is also important to ensure that the regulations make clear that physical plant and design features – including those implemented for suicide prevention purposes (e.g., ligature-free components for shower seating, toilet area, and housing areas) – provide adequate physical accessibility for people with disabilities.

- Rationale: There have been many lawsuits, consent decrees, and settlements in California dealing with correctional facilities’ failure to meet ADA standards. A reference to the ADA will help to remind local jurisdictions that they are required to meet the state and federal accessibility standards. This could save local jurisdictions money in the long run in terms of renovations and litigation costs.

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, and the Americans with Disabilities Act guidelines to Accessibility Cell, as national best practices on the provision of toilets and urinals in local detention facilities.

1231.3.2 Wash basins.

1. Wash basins must be provided in single occupancy cells and double occupancy cells.
2. In dormitories, wash basins must be provided in a ratio to inmates of 1:10.
3. Wash basins must be accessible to the occupants of day-rooms and exercise areas.
4. In temporary holding cells and temporary staging cells, wash basins must be provided in a ratio to inmates of 1:16.
5. In sobering cells, wash basins must be provided in a ratio to inmates of 1:8.
6. Wash basins must be provided with hot and cold or tempered water.
7. Two feet (610 mm) of wash basin trough may be substituted for each basin required.

Public Comment

Submitted by Pamela Lew, Senior Attorney, Disability Rights California

ADA Compliance

- Currently: Title 15 does not reference the federal Americans with Disabilities Act (ADA) regulations. Title 24 (design and construction regulations) at Part 1, Section 13-102(c)(6)(B)(9) references “Spaces for persons with disabilities”, requiring day rooms and activity areas to be accessible to people with disabilities, and accessible showers for people with disabilities. Title 24, Part 2 regulations only reference making cells “accessible” to its occupants. See Title 24, Part, 1231.3.1, 1231.3.2, 1231.3.3. Revision: Create a separate article in Title 15 to reference the ADA program access and ADA Accessibility Guidelines (ADAAG) standards that apply to California correctional facilities. See 28 C.F.R. § 35.152; 28 C.F.R. § 35.151(k), <https://www.access-board.gov/guidelines>; see also https://www.ada.gov/accessible_cells_prt.pdf (DOJ Accessible Cell Design Guide). The new article should also reference the ADA provisions that require an ADA coordinator and a grievance system to track and respond to disability issues. See 28 C.F.R. § 35.107; <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

It is also important to ensure that the regulations make clear that physical plant and design features – including those implemented for suicide prevention purposes (e.g., ligature-free components for shower seating, toilet area, and housing areas) – provide adequate physical accessibility for people with disabilities.

- Rationale: There have been many lawsuits, consent decrees, and settlements in California dealing with correctional facilities’ failure to meet ADA standards. A reference to the ADA will help to remind local jurisdictions that they are required to meet the state and federal accessibility standards. This could save local jurisdictions money in the long run in terms of renovations and litigation costs.

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional

Association Planning and Design Guide, and the Americans with Disabilities Act guidelines to Accessibility Cell, as national best practices on the provision of wash basins in local detention facilities.

1231.3.3 Drinking fountains.

There must be a minimum of one drinking fountain in every single-occupancy cell, double-occupancy cell, dormitory, temporary holding cell, temporary staging cell, sobering cell, and be accessible to the occupants of day rooms and exercise areas. Additional drinking fountains shall be located in other areas of the facility so that drinking water will be available to inmates and staff. Such drinking fountains must meet the following minimum health requirements:

1. The drinking fountain bubbler shall be on an angle which prevents waste water from flowing over the drinking fountain bubbler.
2. Water flow shall be actuated by mechanical means.

Public Comment

Submitted by Pamela Lew, Senior Attorney, Disability Rights California

ADA Compliance

- Currently: Title 15 does not reference the federal Americans with Disabilities Act (ADA) regulations. Title 24 (design and construction regulations) at Part 1, Section 13-102(c)(6)(B)(9) references “Spaces for persons with disabilities”, requiring day rooms and activity areas to be accessible to people with disabilities, and accessible showers for people with disabilities. Title 24, Part 2 regulations only reference making cells “accessible” to its occupants. See Title 24, Part, 1231.3.1, 1231.3.2, 1231.3.3. Revision: Create a separate article in Title 15 to reference the ADA program access and ADA Accessibility Guidelines (ADAAG) standards that apply to California correctional facilities. See 28 C.F.R. § 35.152; 28 C.F.R. § 35.151(k), <https://www.access-board.gov/guidelines>; see also https://www.ada.gov/accessible_cells_prt.pdf (DOJ Accessible Cell Design Guide). The new article should also reference the ADA provisions that require an ADA coordinator and a grievance system to track and respond to disability issues. See 28 C.F.R. § 35.107; <https://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

It is also important to ensure that the regulations make clear that physical plant and design features – including those implemented for suicide prevention purposes (e.g., ligature-free components for shower seating, toilet area, and housing areas) – provide adequate physical accessibility for people with disabilities.

- Rationale: There have been many lawsuits, consent decrees, and settlements in California dealing with correctional facilities’ failure to meet ADA standards. A reference to the ADA will help to remind local jurisdictions that they are required to meet the state and federal accessibility standards. This could save local jurisdictions money in the long run in terms of renovations and litigation costs.

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, and the Americans with Disabilities Act

guidelines to Accessibility Cell, as national best practices on the provision of drinking fountains in local detention facilities.

1231.3.4 Showers

must be available to all inmates on a ratio of at least one shower to every 20 inmates or fraction thereof and must provide hot and cold water or tempered water. Shower stalls/shower areas must be designed and constructed of materials which are impervious to water and soap so they may be easily cleaned. Shower areas shall provide modesty for inmates with staff being able to visually supervise.

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, the Americans with Disabilities Act, and PREA as national best practices on the provision of showers in local detention facilities.

1231.3.5 Beds

Beds must be elevated off the floor, have a solid bottom or pan with no perforations, and a sleeping surface of at least 30 inches (762 mm) wide and 76 inches (1930 mm) long. ~~Multiple~~ Bunk beds must have a minimum of 21 inches (533 mm) between bed pans. Except in minimum security areas, beds must be securely fastened to the floor or the wall and ensure that there is no space between the bed and the wall to prevent attachment.

Discussion Notes

This regulation section outlines the design and construction requirements for beds in local detention facilities.

The workgroup members reviewed the requirements discussing the language “solid bottom” which is often interpreted to mean a solid concrete base, but “solid bottom” can also mean a bed pan (used in bunk-style beds) with no perforations. The measurement between beds in the second sentence does not sufficiently specify that the requirement only applies to bunks. The workgroup chose to add clarifying language regarding bed pans without perforation and replace the word “multiple” with “bunk” to provide more specific and easily understood requirements.

The reason for beds being securely fastened to the floor or wall is to ensure that the bed is flush and there is no space for attachment of a ligature. Clarifying language was added to clarify this.

While there is no one identified national best practice on the terminology of bed types, the Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, the Americans with Disabilities Act Guidelines to Accessibility Cell, and the Lindsay Hayes National Study of Jail Suicide and related research, as national best practices on the provision of beds in local detention facilities.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.3.6 Lighting.

Lighting in housing units, dayrooms and activity areas must be sufficient to permit easy reading by a person with normal vision, and shall not be less than 20 footcandles (215.2 lux) at desk level and in the grooming area. Lighting shall be centrally controlled and/or occupant controlled in housing cells or rooms. Night lighting in these areas shall be sufficient to give good visibility for purposes of supervision. In minimum-security areas, lighting may be supplied by ordinary lighting fixtures, and in areas of higher security, light fixtures must be of secure design.

Public Comment

BSCC staff recommends the term “and/or” be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.

Discussion Notes

This section provides the nighttime and daytime lighting requirements for local detention facilities.

The Workgroup reviewed the regulation and the BSCC’s public comment regarding the term “and/or”. “Or” was stricken in favor of “and” to provide clarity.

While there is no single identified national best practice for lighting, the workgroup and BSCC staff reflected on the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide as common and best practice.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.3.7 Windows.

In housing areas of higher than minimum security, exterior windows which are constantly accessible to inmates for escape must be designed and constructed so that if broken out, the net area accessible for escape is no greater than 5 inches (127 mm) in one dimension.

Discussion Notes

No revisions recommended.

The Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide as national best practices on the requirements of windows in local detention facilities.

1231.3.8 Cell padding.

In sobering cells, the floor and partition shall be padded. In safety cells, padding must cover the entire floor, doors, and walls and everything on them to a clear height of 8 feet (2438 mm). All such padded cells must be equipped with a tamper resistant fire sprinkler as approved by the State Fire Marshal. All padding must be:

1. Approved for use by the State Fire Marshal;
2. Nonporous to facilitate cleaning;
3. At least 1/2-inch (12.7 mm) thick;
4. Of a unitary or laminated construction to prevent its destruction by teeth, hand tearing or small metal objects;
5. Firmly bonded to all padded surfaces to prevent tearing or ripping; and
6. Without any exposed seams susceptible to tearing or ripping.

Discussion Notes

No revisions recommended.

The Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, and Fire and Life Safety provisions of the Office of the State Fire Marshal as best practices on the requirements of cell padding as used in local detention facilities.

1231.3.9 Mirrors.

A mirror of a material appropriate to the level of security must be provided near each wash basin specified in these regulations.

Discussion Notes

No revisions recommended.

The Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, and the Americans with Disabilities Act regarding mirror height as national best practices on the requirements of mirrors in local detention facilities.

1231.3.10 Seating.

In temporary holding and temporary staging cells, seating must be securely fixed to the floor ~~and/or~~ wall. When bench seating is used, 18 inches (457 mm) of bench width and no less than 12 inches depth is seating for one person.

ESC Recommendation

The ESC discussed the comment and issue of appropriate seating for specific spaces. The Workgroup should consider:

- Width of seating. The length of seating required is defined in regulation, but the width of seating is not.
- Review the available seating language in Section 1231.3.10.

Public Comment

BSCC staff recommends the term “and/or” (highlighted in yellow above) be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.

Discussion Notes

Section 1231.3.10 outlines the requirements for seating in temporary holding and staging cells.

The Workgroup reviewed the regulation and public comment regarding the use of “and/or”. The group agreed to strike “and/” in favor of “or”.

The remainder of discussion focused on the ESC’s recommendation to specifying the depth of seating. The 18 inches specified in the regulation is for the width of the seat, the group discussed other state standards such as Texas, who requires a width of 12 inches, but does not specify the depth. Detention benches that may be purchased come in a variety of sizes. The Workgroup chose to keep the 18-inch width and propose a minimum depth of 12 inches as that seemed to be a common minimum across vendors and existing benches in county facilities. Stool sizes were also discussed but the group concurred that a minimum for stools was not necessary.

While there was no one identified national best practice for seating in local detention facilities, Workgroup members and BSCC staff considered the current and best practices of the State of Florida Sheriff’s Association, the State of Texas Jail Standards, and the Americans with Disabilities Act Guidelines to Accessibly Cell.

- **Operational impact:** There is no anticipated operational impact, building standards are not applied retroactively.
- **Fiscal impact:** There is no anticipated operational impact, building standards are not applied retroactively.

1231.3.11 ~~Table~~Desk/seat.

In single- and double-occupancy cells, a ~~table~~desk and seat for the purpose of writing and dining shall be provided.

Exception: A Type I facility does not require a ~~table~~desk and a seat.

Discussion Notes

This section outlines the requirements for tables and seating in single and double-occupancy cells for location detention facilities.

The Workgroup reviewed the regulation noting that the requirement is for a single table and single seat. It was suggested that to be more specific to the actual use, the term “table” be changed to “desk.” There was discussion around adding required dimensions for the desk, but ultimately no related change was made.

While there was no single identified national best practice on the terminology of desks and tables in local detention facilities, Workgroup members and BSCC staff reflected on the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide during their review of this regulation.

- **Operational impact:** There is no anticipated operational impact due to updating terminology.
- **Fiscal impact:** There is no anticipated operational impact due to updating terminology.

1231.3.12 Weapons locker.

A secure weapons locker shall be located outside the security perimeter of the facility. Such weapons lockers shall be equipped with individual compartments, each with an individual locking device. Weapons lockers are required in temporary and court holding facilities and in all facilities of higher than minimum security.

Exception: The design of court holding and temporary holding facilities shall include the design criteria for furnishings and equipment from Sections 1231.3.1, 1231.3.2, 1231.3.3, 1231.3.6, 1231.3.10 and 1231.3.12.

Discussion Notes

No revisions recommended.

During review of this regulation the Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide as national best practices on the provision of weapons lockers in local detention facilities.