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

## **1. Regulation and Recommended Revision**

### **§ 1006. Definitions.**

*The Minors in Detention Workgroup did not propose any revisions to this regulation.*

#### Workgroup Notes

- The Minors in Detention Workgroup discussed the definition of “should” and considered adding it for clarification. Staff pointed out that the definition was once included but was removed in a prior revision. The word “should” implies an unquestionable command that does not need to be completed. The group elected to take no action.
- The workgroup discussed the need for a definition of “approval;” the item was referred to the Administrative Workgroup.

#### ESC Action/Response

## **1. Regulation and Recommended Revision**

### **§ 1100. Purpose.**

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

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1101. Restrictions on Contact with Adult Prisoners.**

The facility administrator shall establish policies and procedures to restrict contact, as defined in Section 1006, between detained minors and adults confined in the facility.

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1102. Classification.**

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1103. Release Procedures.**

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1104. Supervision of Minors.**

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1105. Recreation Programs.**

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

### § 1106. Disciplinary Procedures.

Nothing in this regulation shall prevent the administrator from removing a detained minor from the general population or program for reasons of the minor's mental or physical health; or under any circumstances in which the safety of the minor, other inmates, staff, the program or community is endangered, pending a disciplinary action or review.

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### **Rec A**

*In-text Addition:* (f) For inmates with disabilities, prior to the administration of disciplinary action, staff will determine if the violation was related to the inmate's disability. If the violation was related to a disability, the team will determine if there is a reasonable accommodation that could have prevented the violation. If there is, discipline will not be administered until there is a violation with the accommodation. **MIDWG opted not to make this change; the recommendation was overly broad and the facility has limited means to assess disability.**

### **Rec B**

At a minimum, this section should be revised to include the following:

1. Need to specify that "days" means calendar days, not business day. **MIDWG opted not to make this change.**

2. In subsection (c), change the length of time from 5 days to 2 days for subsequent higher level review. **MIDWG opted not to make this change.**

3. In subsection (d), need to specify that the individual conducting the review should be neutral, and not a staff person that may have been involved in the behavior that subjected the minor to discipline. Amend subsection (e), the prohibited forms of discipline, to include all prohibited forms of discipline that cannot be used against minors in juvenile facilities, as specified in 15 CCR § 1390. **MIDWG opted not to make this change.**

4. Amend subsection (e), the prohibited forms of discipline to include a prohibition on the use of conditions of solitary confinement. **MIDWG opted not to make this change.**

### **Rec C**

The use of disciplinary confinement for minors should be limited and minors should not be denied visitation with a parent or guardian or access to daily large muscle exercise as a form of discipline. Workgroup discussed this regulation and expressed concern that its application would erode the concept of progressive discipline. **MIDWG opted not to make this change.**

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

### **7. Summary of Workgroup Discussion and Intent**

The Minors in Detention Workgroup discussed Rec B (1) and determined it was dependent on staffing, scheduling and availability. For Rec B (2) the workgroup believes this recommendation is unneeded. For Rec B (3) the workgroup believes that the regulations already provide this protection. The workgroup discussed the remainder of the regulation and took no action.

### **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1120. Education Program for Minors in Jails.**

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **1121. Health Education for Minors in Jails.**

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

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

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

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### Rec A

At a minimum, this section should be revised to include the following:

1. Add to this section, or create a new section, with language similar to 15 CCR § 1417 regarding pregnant minors, or add a cross-reference to that section. **MIDWG agreed with the MMHWG recommendation of a new regulation (Section 1122.5) to address the use of restraints.**
3. a.) **What existing problem is being addressed by this revision?** b.) **How will this revision address/fix the problem? (What is the rationale?)**

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

4. **What is the operational impact that will result from this revision; how will it change operations?**
5. a.) **What is the fiscal impact that will result from this revision?** b.) **How can it be justified?**
6. **How will BSCC measure compliance with this revision?**

## 7. Summary of Workgroup Discussion and Intent

## 8. ESC Action/Response

## 1. Regulation and Recommended Revision

### § 1122.5. Pregnant Minors

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

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

## 2. ESC Notes/Recommendations

n/a

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

The Title 15, Minimum Standards for Local Detention Facilities do not contain statutory language pertaining to pregnant inmates. This new regulation assures that facility operators would abide by the requirements in statute and Title 15, Minimum Standards for Juvenile Facilities.

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

The requirements in subsection (a) will require facility operators to develop policies and procedures for pregnant minors consistent with Title 15, Minimum Standards for Juvenile Facilities, Section 1417.

With respect to subsection (b), facility operations will not be changed by this amendment, as this law (PC 3407) was enacted in 2013.

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

There could be a fiscal impact associated with developing policies and procedures for pregnant minors. Any cost will be justified by the protection that appropriate policies and procedures will provide.

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

Inspectors will review policies and procedures for compliance.

**7. Summary of Workgroup Discussion and Intent**

The Medical/Mental Health Workgroup and Minors in Detention Workgroup agreed to add a new regulation requiring policies and procedures pertaining to pregnant minors that encompass the requirements of Title 15, Minimum Standards for Juvenile Facilities and Penal Code Section 3407.

**8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

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

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

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

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

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

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

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

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

### § 1125. Psychotropic Medications for Minors in Jail.

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

- (a) These policies and procedures shall include, but not be limited to:
  - (1) protocols for physicians' written and verbal orders for psychotropic medications in dosages appropriate to the minor's need;
  - (2) limitation to the length of time required for a physician's signature on verbal orders;
  - (3) the length of time voluntary and involuntary medications may be ordered and administered before re-evaluation by a physician;
  - (4) provision that minors who are on psychotropic medications prescribed in the community are continued on their medications pending re-evaluation and further determination by a physician;
  - (5) provision that the necessity for continuation on psychotropic medications is addressed in pre-release planning and prior to transfer to another facility or program; and,
  - (6) provision for regular clinical/administrative review of utilization patterns for all psychotropic medications, including every emergency situation.
- (b) Psychotropic medications shall not be administered to a minor absent an emergency unless informed consent has been given by the parent/guardian or the court.
  - (1) Minors shall be informed of the expected benefits, potential side effects and alternatives to psychotropic medications.
  - (2) Absent an emergency, minors may refuse treatment.
- (c) Minors found by a physician to be a danger to themselves or others by reason of a mental disorder may be involuntarily given psychotropic medication immediately necessary for the preservation of life or the prevention of serious bodily harm, and when there is insufficient time to obtain consent from the parent, guardian, or court before the threatened harm would occur. It is not necessary for harm to take place ~~or become unavoidable~~ prior to initiating treatment.
- (d) Administration of psychotropic medication is not allowed for disciplinary reasons.

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input, giving attention to the following:

1. Rec A, 1.b. – eliminate the last sentence.

### Rec A

At a minimum, this section should be revised to include the following:

1. Replace the language in § 1125(d) with the language in §1439(d).
  - a. To change from: “(d) Administration of psychotropic medication is not allowed for disciplinary reasons.” **MMHWG and MIDWG opted not to make this change.**
  - b. To: “(d) Assessment and diagnosis must support the administration of psychotropic medications. Administration of psychotropic medication is not allowed for coercion, discipline, convenience or retaliation.” **MMHWG and MIDWG opted not to make this change.**

**Rec B**

*In-text Addition & Change:* (c) Minors found by a physician to be a danger to themselves or others by reason of a mental disorder may be involuntarily given psychotropic medication immediately necessary for the preservation of life or the prevention of serious bodily harm, and when there is insufficient time to obtain consent from the parent, guardian, or court before the threatened harm would occur, and there is no less restrictive alternative. It is not necessary for harm to take place ~~or become unavoidable~~ prior to initiating treatment. **MIDWG concurs with the MMHWG in removing the words “or become unavoidable” from this regulation section.**

**Rec C**

Between “procedures” and “governing”, insert “based on the California Guidelines for the Use of Psychotropic Medication with Children and Youth in Foster Care”. **MMHWG and MIDWG opted not to make this change.**

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

The phrase "or become unavoidable" in the last sentence of the first paragraph is not needed in this regulation because it is subjective.

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

No operational impact.

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

No fiscal impact.

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

No impact on facility inspections.

- 7. Summary of Workgroup Discussion and Intent**

The Medical/Mental Health Workgroup agreed that the phrase "or become unavoidable" in the last sentence of the first paragraph is not needed in this regulation because it is subjective.

The Minors in Detention Workgroup agreed with the Medical/Mental Health Workgroup to adopt Rec. B and delete the words "or become unavoidable" from paragraph 3. All other recommendations were discussed and the workgroup declined to implement changes because the language and intent was unclear.

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1140. Purpose.**

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

### § 1141. Minors Arrested for Law Violations.

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### Rec A

At a minimum:

1. This section needs to include language indicating that law enforcement facilities must also comply with the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, 42 U.S.C. 5601 et. seq., and all implementing regulations in Title 28 of the Code of Federal Regulations. **MIDWG opted not to make this change.**
  2. This section should be revised by replacing the cross-reference to Title 15, Division 1, Chapter 1, Subchapter 4, Section 1000 et seq. with a cross-reference to Title 15, Division 1, Chapter 1, Subchapter 5, Section 1300 et. seq. **MIDWG opted not to make this change.**
  3. This section needs to include language from the JJDP Monitoring Manual (2007) indicating that “[*Enforcement Facilities Law*] should keep records of every juvenile who enters the facility. For status offenders, nonoffenders, alien juveniles, and civil-type juvenile offenders, the records should indicate if the juvenile was held securely or nonsecurely.” **MIDWG opted not to make this change.**
3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)
- No amendments were made by the Minors in Detention Workgroup.
4. What is the operational impact that will result from this revision; how will it change operations?
5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

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

**7. Summary of Workgroup Discussion and Intent**

The Minors in Detention Workgroup discussed the recommendation and elected to make no changes.

**8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1142. Written Policies and Procedures.**

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1143. Care of Minors in Temporary Custody.**

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

**7. Summary of Workgroup Discussion and Intent**

**8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1144. Contact Between Minors and Adult Prisoners.**

The facility administrator shall establish policies and procedures to restrict contact, as defined in Section 1006, between minors and adults confined in the facility.

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1145. Decision on Secure Custody.**

A minor who is taken into temporary custody by a peace officer on the basis that he or she is a person described by Section 602 of the Welfare and Institutions Code may be held in secure custody in a law enforcement facility that contains a lockup for adults if the minor is 14 years of age or older and if, in the reasonable belief of the peace officer, the minor presents a serious security risk of harm to self or others, as long as all other conditions of secure custody set forth in these standards are met. Any minor in temporary custody who is less than 14 years of age, or who does not in the reasonable belief of the peace officer present a serious security risk of harm to self or others, shall not be placed in secure custody, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody set forth in these standards are met.

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

**7. Summary of Workgroup Discussion and Intent**

**8. ESC Action/Response**

## 1. Regulation and Recommended Revision

### § 1146. Conditions of Secure Custody.

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### Rec A

At a minimum, this section should be revised to include the following:

1. This section should include language indicating that if a minor is “secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and other from harm,” then the regulations and policies in 15 CCR § 1358 (Use of Physical Restraints) must be followed. **MIDWG opted not to make this change.**
  2. Add language similar to 15 CCR § 1359 (Safety Room Procedures): **MIDWG opted not to make this change.**
3. **a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)**

No amendments were made by the Minors in Detention Workgroup.

4. **What is the operational impact that will result from this revision; how will it change operations?**
5. **a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?**
6. **How will BSCC measure compliance with this revision?**

## 7. Summary of Workgroup Discussion and Intent

The Minors in Detention Workgroup discussed Recommendations 1 and 2 at length and believed that it applies the weighty requirements for restraint and safety cell against the less intrusive action of simply securing an arrestee for security reasons. Minors in Detention Workgroup took no action.

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

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

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

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

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### **Rec A**

At a minimum, this section should be revised to include the following:

1. Amend subsection (a) (2) to state that safety checks will occur at least every 15 minutes.  
**MIDWG opted not to make this change.**
  2. Amend to include language similar to 15 CCR § 1328 (Safety Checks): **MIDWG opted not to make this change.**
  3. Amend to include language similar to 15 CCR § 1359 (Safety Room Procedures):  
**MIDWG opted not to make this change.**
3. a.) **What existing problem is being addressed by this revision?** b.) **How will this revision address/fix the problem? (What is the rationale?)**

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

The Minors in Detention Workgroup did not accept Rec. A (1). The workgroup felt it was unduly burdensome to apply this standard to law enforcement facilities.

The Minors in Detention Workgroup did not accept Rec A (2 & 3) as the recommendation's remedies are inappropriate for securing an arrested minor for security reasons, as opposed to the use of restraints to overcome hostile behavior.

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

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

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### Rec A

At a minimum, this section should be revised to include the following:

1. This section needs to include language indicating that when a minor is secured to a stationary object, the provisions of 15 CCR § 1358 (Use of Physical restraints) must be followed. **MIDWG opted not to make this change.**
  2. Amend to include language similar to 15 CCR § 1328 (Safety Checks): **MIDWG opted not to make this change.**
  3. Amend to include language similar to 15 CCR § 1359 (Safety Room Procedures). **MIDWG opted not to make this change.**
3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Minors in Detention Workgroup.

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

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

6. How will BSCC measure compliance with this revision?

## **7. Summary of Workgroup Discussion and Intent**

The Minors in Detention Workgroup believes these recommendations are a misapplication and misinterpretation of juvenile regulations that do not apply to short term detention in law enforcement facilities. The workgroup took no action.

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

### § 1149. Criteria for Non-Secure Custody.

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### Rec A

At a minimum, this section should be revised to include the following:

1. Amend to reflect language in the JJDP Act and the 2007 JJDP Monitoring Manual stating that secure holding for juveniles can only occur in certain situations. **MIDWG opted not to make this change.**
2. This section should also reflect language from the November 2, 1988, *Federal Register* announcement, *Policy Guidance for Nonsecure Custody of Juveniles in Adult Jails and Lockups; Notice of Final Policy*, which can be accessed at <http://www.ojjdp.gov/compliance/e-11-08-88FedRegFinalPolicy.pdf> **MIDWG opted not to make this change.**
3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Minors in Detention Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?
5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?
6. How will BSCC measure compliance with this revision?

## **7. Summary of Workgroup Discussion and Intent**

The Minors in Detention Workgroup stated that the Rec A (1) language is included and there is no need to restate. The workgroup discussed and stated that Rec A (2) lacks specificity and noted that current requirements meet or exceed the referenced document. No action was taken.

## **8. ESC Action/Response**

## 1. Regulation and Recommended Revision

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

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

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

## 2. ESC Notes/Recommendations

The ESC requested the **Minors in Detention Workgroup** consider the input.

### Rec A

At a minimum, this section should be revised to include the following:

1. This section should include language indicating that minors may not come into contact with adult prisoners while in non-secure custody. **MDWG opted not to make this change.**
  2. This section must also include language that minors in non-secure custody shall receive constant auditory access to a staff member. **MDWG opted not to make this change.**
3. **a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)**

No amendments were made by the Minors in Detention Workgroup.

4. **What is the operational impact that will result from this revision; how will it change operations?**
5. **a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?**
6. **How will BSCC measure compliance with this revision?**

## **7. Summary of Workgroup Discussion and Intent**

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

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

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

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

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

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

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

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

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

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

**7. Summary of Workgroup Discussion and Intent**

**8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1160. Purpose.**

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1161. Conditions of Detention.**

Court holding facilities shall be designed to provide the following:

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

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1162. Supervision of Minors.**

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**

## **1. Regulation and Recommended Revision**

### **§ 1163. Classification.**

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

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

## **2. ESC Notes/Recommendations**

n/a

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

No amendments were made by the Minors in Detention Workgroup.

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

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

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

## **7. Summary of Workgroup Discussion and Intent**

## **8. ESC Action/Response**