

## SUPPLEMENT TO THE INITIAL STATEMENT OF REASONS

### BOARD OF STATE AND COMMUNITY CORRECTIONS MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 4

Information that has been added to the original Initial Statement of Reasons appears in italics.

#### **§ 1030. Suicide Prevention Program.**

Section 1030 outlines the requirements for facilities to have a suicide prevention program in place. National Commission on Correctional Health Care standards, which are considered national best practices, were reviewed and referred to when revising this regulation.

This section has been amended to add the phrase “or designee” in the first paragraph for flexibility which will allow facilities to be compliant with the regulatory requirement when the facility administrator delegates the responsibility to develop written suicide prevention programs. The term “inmate” was replaced with “incarcerated persons”, and a reference to national best practice added to the first paragraph to ensure facilities consider following best practices in developing a comprehensive suicide prevention program.

*This section has been modified by removing the reference to national best practices from the first paragraph to avoid clarity issues and potential confusion regarding which specific national best practice guidelines the proposed language referred to.*

Subsection (a) has been amended to clarify and require that all custodial personnel receive training annually to ensure that the proper responsible staff members are being trained at regular and reoccurring intervals.

*Additional modifications have been made to subsections (c) and (k) to ensure clarity of language and requirements in this section. The screening in subsection (c) during special situations is specifically related to suicide prevention and was not intended to refer to any other type of screening; clarifying language has been added. The language “determined by the mental health director.” has been included in subsection (k) to eliminate ambiguity and ensure plans for mental health consultation following return from court are determined by the mental health director of the facility instead of “as needed.”*

Additional proposed requirements have been added to subsection (c), (d), (e), (i), (j) and (k) for handling additional screening in special situations, follow-up care, ensuring court staff are included in important communications, prioritizing the least restrictive environment, planning for more in-depth corrective action plans to identify deficiencies, and plan for mental health consultation following court appearances. These changes ensure that persons at risk of suicide are receiving necessary screenings and considerations in housing and classification changes, that all staff that may have custody of the incarcerated person are included in communications, that incarcerated persons at risk are placed in the safest but least restrictive environments possible, deficiencies are identified through corrective action planning, and that there are plans in place to address and consider the mental health of the person after they have appeared in court. These

changes align with current and best practices already used in many facilities, and are necessary to ensure the proposed requirements are more prescriptive and performance-based so each county can develop programs specific to their own individual operations.

There are no anticipated fiscal impacts, facilities will need to update their policy and procedures manual to meet the standards.

### **§ 1065. Exercise and Recreation.**

Section 1065 outlines the requirements for the facility administrator of a Type II or III facility to develop written policies and procedures for exercise and recreation.

The title of this section has been amended from “Exercise and Recreation” to “Exercise and Out of Cell Time” to address the need to separate and redefine time for exercise and recreation, and to specify that such time provided shall be outside of a person’s cell.

Consistent with the amendment in the title, the term “recreation” has been removed from “recreation program” and the word “exercise” replaced “recreation” in the same sentence in the new subsection (a)(1). This section has also been amended to propose a new provision in subsection (a)(2) to require certain amount of time for recreation incarcerated persons, “a recreation program, which will allow an opportunity for seven hours of out of cell time distributed over a period of seven days.” The change is to ensure that individuals receive an adequate amount of time, outside of cells or sleeping areas.

*Section 1065 has been modified to ensure the minimum requirements are easily and clearly understood. As initially proposed, the language describing the required number of hours for exercise and recreation programs was ambiguous and open to more than one way of interpretation. Subsection (a) has been modified to specify that “a minimum of 10 hours of out of cell time is required to be distributed over a period of seven days,” and subsections (a)(1) and (a)(2) have been modified to provide more precise requirements that “(1) an opportunity for three hours of exercise and (2) an opportunity for seven hours of recreation.” are required. The final paragraph of subsection (a) was also modified to replace the word “should” with “shall” because reasonably and necessary procedures to ensure safety and security during exercise or recreation hours were intended to be a requirement, not a recommended option.*

Additional amendments include proposing reasonable and necessary procedures to ensure safety and security, removing “and/” in Section (b) with “or both,” and replacing the “inmates” with “incarcerated people.” These changes are necessary to ensure clarity in the requirements and the language throughout these regulations is consistent, people-centered and aligns with best practices.

There is no anticipated fiscal impact, there may be a minimal impact on operations due to these changes.