

**EXECUTIVE STEERING COMMITTEE ACTION MATRIX
ADULT TITLES 15 & 24 REGULATION REVISION
BOARD OF STATE AND COMMUNITY CORRECTIONS**

Title 15, Section 1006, Definitions

LEGEND

Revisions:

S = Substantive – revision changes the meaning or requirements of a regulation
N = Nonsubstantive – revision does not change regulatory meaning or requirement
A = Administrative – updates to references or grammar correction

Actions:

A = Approved
AC = Approved with changes
D = Did not approve

TITLE 15. MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

SECTION 1006. DEFINITIONS.

Approve changes listed below

#	Section	Proposed Revision	Revision Type (S, N, A)	Rationale / Best Practice	ESC Recommendations & Public Comments	Response to Recommendations and Comments	BSCC Rec Action (A, AC, D)	ESC Action (A, AC, D)
1	1006 Definitions	“Administrative segregation separation” means the physical separation of different types of inmates from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of these regulations. Administrative segregation separation is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.	S	Segregation is an outdated term. The word “segregation” is changed to “separation” to reflect actual practices; this change is consistent with change made to other sections throughout these regulations.			A	
2	1006 Definitions	“Cisgender” means a person whose gender identity corresponds to the gender they were assigned at birth.	S	The definition for “Cisgender,” is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.	Public Comment Submitted by ACLU Cal Action via email: The word “gender” should be changed to “sex” in the definitions.		A	

					<p>“Cisgender” means a person whose gender identity corresponds to the gender sex they were assigned at birth.</p> <p>This additional change was recommended by ACLU to account for non-binary individuals and apply best practices in communications regarding LGBTQ individuals.</p> <p>Resources: GLAAD Media Reference Guide, 10th Edition, Oct. 2016.</p>			
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3	1006 Definitions	“Developmentally disabled” means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes <u>cognitive and intellectual disabilities</u> mental retardation , cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to <u>cognitive and intellectual disabilities</u> mental retardation or to require treatment similar to that required for mentally retarded individuals .	S	The definition was modified to provide clarity and to replace an extremely outdated term, “mental retardation” with the current and acceptable terminology, “cognitive and intellectual disabilities”.			A	
4	1006 Definitions	“Direct visual observation” means direct personal view of the inmate in the context of <u>his/her/their</u> surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.	N	Gender-specific language was changed to reflect gender equity and inclusivity. This change is consistent with changes made to other sections throughout these regulations.			A	
5	1006 Definitions	<u>“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.</u>	S	The term “disability” replaces the definition of “people with disabilities” to ensure the regulation is describing the condition of being disabled, and not the person who is disabled; the proposed definition is aligned with that of the Americans with Disabilities Act.			A	
6	1006 Definitions	“Disciplinary separation” means that punishment-sanction status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit.	S	“Punishment” is an outdated term that is no longer used, discipline should not be punitive as the word “punishment” implies.			A	
7	1006 Definitions	“Exercise” means <u>the opportunity for physical exertion</u> of large muscle groups .	S	The modification adds clarification to the definition and removes reference to large muscle groups because there are different forms of exercise (weights) that can achieve physical exertion.			A	

8	1006 Definitions	<u>“Gender expression” means the manner in which gender is expressed through clothing, appearance, behavior, speech, etc.</u>	S	The definition for “Gender expression,” is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.			A	
9	1006 Definitions	<u>“Gender identity” means a person's sense of being male, female, some combination of male or female, or neither male nor female.</u>	S	The definition for “Gender identity,” is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.	Public Comment Submitted by ACLU Cal Action via email: <u>“Gender identity” means a person's sense of being male, female, some combination of male or female, or neither male nor female.</u> These additional changes were recommended by ACLU to account for non-binary individuals and apply best practices in communications regarding LGBTQ individuals. Resources: GLAAD Media Reference Guide, 10th Edition, Oct. 2016.		A	
10	1006 Definitions	<u>“Gender fluidity” means a gender identity which can vary over time. A gender fluid person may at any time identify as male, female, neutrois, any other non-binary identity, or some combination of identities. Their gender can also vary at random or vary in response to different circumstances. Gender fluid people may also identify</u>	S	The definition for “Gender fluidity,” is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.			A	

		<u>as multi-gender, non-binary, and/or transgender.</u>						
11	1006 Definitions	<u>“Gender Nonconforming” means a person whose appearance or manner does not conform to traditional masculine and feminine gender norms.</u>	S	The definition for “Gender Nonconforming,” is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.			A	
12	1006 Definitions	<u>“Intersex” means an individual whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.</u>	S	The definition for “Intersex,” is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.			A	
13	1006 Definitions	<u>“Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQI)” is a diversity of sexuality and gender identity-based cultures. It may be used to refer to anyone who is non-heterosexual or non-cisgender, instead of exclusively to people who are lesbian, gay, bisexual, or transgender. To recognize this inclusion, the letter Q is for those who identify as queer or are questioning their sexual identity. The letter I stands for “intersex” which is defined above.</u>	S	The definition for “Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex,” is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.	Public Comment Submitted by ACLU Cal Action via email: <u>“Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQI)” is a diversity of sexuality and gender identity based cultures an umbrella term that acknowledges diverse sexual orientations and gender identities. It may be used to refer to anyone who is non-heterosexual and/or non-cisgender, instead of exclusively to people and is more inclusive than “lesbian, gay, bisexual, or transgender”. Te</u>		A	

					<p><u>recognize this inclusion.</u> The letter Q is for those who identify as queer or are questioning their sexual orientation or gender identity. The letter I stands for "intersex" which is defined above."</p> <p>These additional changes were recommended by ACLU to account for non-binary individuals and apply best practices in communications regarding LGBTQ individuals.</p> <p>Resources: GLAAD Media Reference Guide, 10th Edition, Oct. 2016.</p>			
14	1006 Definitions	<p>"Medical detoxification" means a process that systematically and safely withdraws people from who may be addicted to addicting drugs or alcohol, usually under the care of a physician <u>licensed medical provider</u>. Drinking alcohol or using prescribed and/or illicit drugs can cause physical and/or psychological dependence over time and stopping them can result in withdrawal symptoms in people with this dependence. The detoxification process is designed to treat the immediate bodily effects of stopping drug <u>or alcohol</u> use that may be life-threatening.</p>	S	The term "physician" was replaced with "licensed medical provider" as in some facilities a physician is not always available. Alcohol was added as a substance which may require medical detoxification.			A	

15	1006 Definitions	<u>“Out of cell time” means time spent outside of the sleeping area, where an individual has the opportunity to exercise or participate in recreation.</u>	S	“Out of cell time” is proposed to provide a definition for a term which replaces “exercise and recreation” in Section 1065 of these regulations.			A	
16	1006 Definitions		S		<p>Public Comment Submitted by ACLU Cal Action via email:</p> <p><u>“Outdoor” means a space with open/fresh air, exposure to direct sunlight, and one that is not fully enclosed. If possible, outdoor space should be in view of vegetation.</u></p> <p>“Outdoor” is proposed to provide a definition for a term that requires clarification what an outdoor area is. In many jail facilities in the County of Los Angeles, the outdoor area is in fact an indoor facility, fully-enclosed with a ceiling and four walls instead of an open-air area. This proposed definition is congruent with international and national best practices.</p> <p>Resources: The Association for the Prevention of Torture, “Outdoor Exercise.” United Nations Office on Drugs and Crime, The United Nations</p>	BSCC staff recommends the ESC review the public comment submitted by ACLU, and consider additional regulation revisions.		

					Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). American Bar Association, Criminal Justice Standards: Treatment of Prisoners, Standard 23-3.6. Recreation and out-of-cell time.			
17	1006 Definitions	<p>"People with disabilities" includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.</p>	S	<p>The workgroup proposed to delete this definition and instead adopt the ADA's definition of "Disability" which means, "a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment."</p>			A	

18	1006 Definitions	<u>"Recreation" means the individual's ability to choose from activities that occupy the attention and offer the opportunity for relaxation and may include reading, games, socialization, entertainment, education, and, programs.</u>	S	The program group recommended this addition to clarify and define the term "Recreation".			A	
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19	1006 Definitions	"Responsible health care staff" means an individual who is qualified by education, training and/or licensure/regulation and/or facility privileges (when applicable) who performs a professional service within his or her scope of practice and in accordance with assigned duties. This distinguishes the "responsible health care staff" from the many other "qualified health care staff" that are not specifically assigned to assure that certain care is rendered.	N	The removal of "and/or" is to provide clarity in the definition of the requirements for a responsible health care staff.	BSCC staff recommend that the definition be modified for clarity by removing all instances of "and/or": "Responsible health care staff" means an individual who is qualified by education, training, and/or licensure/regulation and/or facility privileges (when applicable) who performs a professional service within his or her scope of practice and in accordance with assigned duties. This distinguishes the "responsible health care staff" from the many other "qualified health care staff" that are not specifically assigned to assure that certain care is rendered.		AC	
20	1006 Definitions	"Secure custody" means that a minor being held in temporary custody in a law enforcement facility is locked in a room, or enclosure, and/or is physically secured to a cuffing rail or other stationary object.	S	The workgroup edited the definition for grammar and chose to keep "or" rather than "and" because a cuffing rail doesn't need to be in a locked or enclosed room to be considered secure.			A	
21	1006 Definitions	"Sentenced inmate," means an inmate that is sentenced on all local charges .	S	The workgroup suggested removal of "on all local charges" because not all inmates are detained on local charges.			A	
22	1006 Definitions	<u>"Sexual orientation" means a person's emotional, romantic, and sexual attraction for members of the same, opposite or both genders.</u>	S	The definition for "Sexual orientation," is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.	Public Comment Submitted by ACLU Cal Action via email: <u>"Sexual orientation" means a person's emotional, romantic, and/or sexual attraction</u>		A	

					<p><u>for members of the same, opposite or both genders to people of the same gender, a different gender, or multiple genders.</u></p> <p>These additional changes were recommended by ACLU to account for non-binary individuals and apply best practices in communications regarding LGBTQ individuals.</p> <p>Resources: GLAAD Media Reference Guide, 10th Edition, Oct. 2016.</p>			
23	1006 Definitions	<u>"Transgender" means an individual whose gender identity is different from their assigned sex at birth.</u>	S	The definition for "Transgender," is proposed to provide consistency with existing definitions in Title 15 for Juvenile Facilities and to ensure that appropriate gender-related terminology and definitions are aligned with best practices for gender equity.			A	
24	1006 Definitions	<u>"Trauma" is an experience that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.</u>	S	Trauma is a term used throughout Title 15 but has not yet been defined. The Program Workgroup recommended this addition to define an experience that may cause lasting adverse effects to a person's physical, social, emotional, cognitive, or spiritual well-being.			A	
25	1006 Definitions	"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	S	The workgroup recommended the changes to provide additional clarity for who may be housed in a Type I facility; not all individuals are sentenced to city jail as an inmate	BSCC staff recommend that the changes be adopted but that the modified portion be reworded for clarity:		AC	

		safekeeping or sentenced those committed 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.		worker as the original language might imply.	Such a Type I facility may also detain persons on court order either for their own safekeeping, or sentenced persons committed 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.			
26	1006 Definitions	"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.	N	The term "and/" was deleted in favor of "or" to provide a clear definition which would allow flexibility in the use of programs in Type IV facilities.			A	