

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

Title 15 Non-Substantive and Administrative Proposed Revisions

LEGEND

Revisions:

N = Nonsubstantive – revision does not change regulatory meaning or requirement
A = Administrative – updates to references or grammar correction

Actions:

A = Approve
AC = Approve with changes
D = Do not approve

TITLE 15. MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

ARTICLE 2. INSPECTION AND APPLICATION OF STANDARDS

SECTION 1010. Applicability of Standards.

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	(b)(2)	1018, Local Detention Facility Appeal Process	A	In Sections 1010(b)(2) and (d)(2) of this regulation, "Appeal" has been changed to "Local Detention Facility Appeal Process," to reflect changes proposed to Section 1018.			A	
2	(d)(2)	1018, Local Detention Facility Appeal Process	A				A	

SECTION 1018. Local Detention Facility Appeal Process.

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	Title	1018. <u>Local Detention Facility Appeal Process.</u>	A	The addition of “Local Detention Facilities ...Process” was made to specify that the regulation outlines the appeals process for local detention facilities and therefore applies to city, county, and city/county local detention facilities; community members may not submit appeals according to this section.			A	

ARTICLE 3. TRAINING, PERSONNEL AND MANAGEMENT

SECTION 1032. Fire Suppression Preplanning.

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	(b)	(b) regular fire prevention inspections by facility staff on a monthly basis with two-year retention of the inspection record;	N	A grammatical error is corrected by adding a hyphen in subsection (b).			A	

ARTICLE 5. CLASSIFICATION AND ~~SEGREGATION~~SEPARATION

SECTION 1054. Administrative Removal-Type IV Facility.

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	Paragraph 1	In Type IV facilities, the facility administrator shall develop written policies and procedures which provide for the administrative removal of an inmate for the safety and well-being of the inmate, the staff, the program, the facility, and or the general public.	N	The revision provides clarity and fixes the grammar issue.	BSCC staff recommends the term "and/or" be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.		A	

SECTION 1057. Developmentally Disabled Inmates.

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	Paragraph 2	The health authority or designee shall contact the regional center on any inmate suspected or confirmed to be developmentally disabled for the purposes of diagnosis and or treatment within 24 hours of such determination, excluding holidays and weekends.	N	The Workgroup corrected the grammatical error. The revision provides clarity and fixes the grammar issue.	BSCC staff recommends the term "and/or" be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.		A	

SECTION 1059. DNA Collection, Use of Force.

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	(b)	(b) The force shall not be used without the prior written authorization of the facility watch commander <u>or designee</u> on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.	N	Since not all agencies use the title "watch commander," the term may not be applicable across the state. Keeping the term "watch commander" and adding "or designee" allows for flexibility in meeting the requirements of this regulation.			A	

ARTICLE 6. INMATE PROGRAMS AND SERVICES

SECTION 1068. Access to the Courts and Counsel.

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	(a)	The facility administrator shall develop written policies and procedures to ensure inmates have access to the court and to legal counsel. Such access shall consist of: (a) <u>Except in Temporary Holding and Court Holding facilities,</u> unlimited mail as provided in Section 1063 of these regulations, and,	N	The Workgroup revised language to make it clear that this regulation does not apply to those facilities who hold people for a relatively short period of time. The language was modified to clarify that unlimited mail does not apply to temporary holding and court holding facilities. There are legal requirements for people to have access to the courts and counsel; this regulation is broad enough to ensure that facility administrators meet those requirements.			A	

ARTICLE 7. DISCIPLINE

SECTION 1084. Disciplinary Records.

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	Paragraph 1	Penal Code Section 4019.5 requires that a record is kept of all disciplinary infractions and punishment actions administered, therefore. This requirement may be satisfied by retaining copies of rule violation reports and report of the disposition of each.	N	The Workgroup updated the regulation language for consistency with changes made in other sections of these regulations and requested that BSCC staff replace any other instances of "punitive" and "sanction" to "action".			A	

ARTICLE 8. MINORS IN JAILS

SECTION 1104. Supervision of Minors.

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	(b)	(b) safety checks of minors at least once every 30 minutes. These safety checks shall include the direct visual observation of movement and of 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.	N	This regulation uses “and/or” which can be confusing and unclear. The removal of the word “/or” ensures that the regulation requirement is clearly understood, and that safety checks include direct visual observation of movement and skin, rather than one or the other.	BSCC staff recommends the term “and/or” be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.		A	

ARTICLE 10. MINORS IN COURT HOLDING FACILITIES

SECTION 1163. Classification.

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	Paragraph 1	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-separation 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.	N	Changing “segregation” to “separation” will ensure consistency of language throughout this regulation and other sections of Title 15 regulation.			A	

ARTICLE 11. MEDICAL/MENTAL HEALTH SERVICES

SECTION 1200. Responsibility for Health Care Services.

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	(a) paragraph 1	(a) In Type I, II, III and IV facilities, the facility administrator shall have the responsibility to ensure provision of emergency and basic health care services to all inmates. Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible physician <u>qualified health care professionals</u> , dentist, and psychiatrist or psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel.	N	This revision is consistent with medical hierarchy described by the National Commission on Correctional Health Care (NCCHC). Language in the second paragraph has been removed because it lacked clarity and could be interpreted to mean that a			A	
2	(a) paragraph 2	Each facility shall have at least one physician available to treat physical disorders . In Type IV facilities, compliance may be attained by providing access into the community; however, in such cases, there shall be a written plan for the treatment, transfer, or referral in the event of an emergency.	N	Physician is only required to be available to treat physical disorders when in fact a Physician should be available for oversight and several other duties and responsibilities.			A	

SECTION 1209. Mental Health Services and Transfer to Treatment Facility.

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	(b)(3)	(3) Designation of restraint procedures and/or devices that may be used to maintain the safety of the inmate and facility staff;	S	The Workgroup decided that facilities should have a policy that includes information on both restraint procedures and devices. Current and best practice would indicate that the designation of restraints policy and procedure identify both procedures and devices for restraint.	BSCC staff recommends the term "and/or" be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.		A	

SECTION 1211. Sick Call.

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	Paragraph 1	There shall be written policies and procedures developed by The facility administrator, in cooperation with the health authority, <u>shall develop written policies and procedures,</u> -which provides for a daily sick call conducted for all inmates or provision made that any inmate requesting medical/mental health attention be given such attention.	N	The Workgroup felt that the wording created confusion. The group reworded the requirement in a form that is more consistent with other sections of these regulations for clarity; the intent of the regulation is not affected.			A	

SECTION 1215. Dental Care.

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	Paragraph 1	The facility administrator shall develop written policies and procedures to ensure emergency and medically required dental care is provided to each inmate, upon request, under the direction and supervision of a dentist, licensed in the state.	A	Revision corrects grammatical error by removing the comma following the word dentist.			A	