

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

TITLE 15 SUBSTANTIVE PROPOSED REVISIONS

LEGEND

Revisions:

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

Actions:

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

Review:

= ESC pulled definition for further review or discussion at the 9/30/2021 meeting

TITLE 15. MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

GENERAL COMMENT

#	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	All		S	Revisions emphasize that these training requirements are a minimum for all personnel who supervising inmates in temporary and court holding facilities.	Public Comment Submitted by ACLU Cal Action via email: The term “inmate” should be removed throughout Title 15 and Title 24 regulations. Instead, a term more focused on people should be used, e.g. “incarcerated person.” See BMC International Health and Human Rights, <u>“Words matter: a call for humanizing and respectful language to describe people who experience incarceration.”</u>	BSCC staff recommend removing the term “inmate” and replacing the term with more appropriate terminology. BSCC staff will work to replace the term in regulations where revisions are proposed and will address terminology changes in other regulations in an administrative process with Office of Administrative Law.	A	A

ARTICLE 3. TRAINING, PERSONNEL AND MANAGEMENT

SECTION 1024. Court Holding and Temporary Holding Facility Training.

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	<u>At a minimum, all supervisors of, and personnel who supervise inmates in, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized corrections training.</u> Custodial personnel who supervise inmates in, and supervisors of, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized training. Such training shall include, but not be limited to:	S	Revisions emphasize that these training requirements are a minimum for all personnel who supervising inmates in temporary and court holding facilities.		The ESC directed BSCC staff to review STC and POST training requirements for consistency and nonduplication, and to propose a modified version of these proposed revisions if necessary.	A	
2	(d)-(i)	(d) emergency procedures and planning, fire and life safety; and; (e) suicide prevention; (f) <u>de-escalation;</u> (g) <u>juvenile procedures;</u> (h) <u>racial bias;</u> and (i) <u>mental illness.</u>	S	The proposed revisions provide a baseline of contemporary and appropriate training for persons working in temporary and court holding facilities, and are reflective of national best practices and current POST requirements. Many staff will receive this information as part of regularly assigned training.		BSCC Response and Recommendation: The training courses proposed in Section 1024(f)-(i), do not replace or conflict with those required by POST or STC. The second paragraph states that "Successful completion of Core training or supplemental Core training, pursuant to Section 1020, Corrections Officer Core Course, may be substituted for the initial eight hours of training".	A	
3	Paragraph 2	Such training shall be completed as soon as practical, but in any event not more than six months after the date of assigned responsibility, or the effective date of this regulation.	A	The requirement that training be completed by the effective date of this regulation is outdated and unnecessary; the regulation has been in print for more than 20 years.			A	
4	Paragraph 3	<u>A total of E</u> eight hours of refresher training shall be completed once every two years. Successful completion of the requirements in Section 1025, Continuing Professional Training may be substituted for the eight- hour refresher.	A	Adding "A total of" eight hours of refresher training clarifies the requirement and will encourage agencies to use in-house training and spread-out hours when beneficial. The term "eight hour" has been hyphenated for grammar.		Existing requirements of Section 1024 may be fulfilled by courses completed during POST and STC training so long as they meet the requirements of this section. However, staff	A	

								<p>suggest that the additional training courses not be adopted in this section and instead forwarded to the BSCC's STC division for consideration in their next regulation revision. Forwarding the training recommendations will avoid inconsistencies between Title 15 facility operational standards (these regulations) and the training regulations and ensure that training requirements are carefully considered in comparison with all other training requirements.</p>		
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SECTION 1027.5 Safety Checks.

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 no more than a 60-minute lapse between safety checks. There shall be a written plan that includes the documentation of routine safety checks and a process to review completed safety checks.	S	<p>This revision is to ensure staff may be held accountable for lack of safety checks, as necessary. Many agencies already have such a process in place, as indicated by BSCC Field Representatives. Best and commonly accepted practices reflect that supervisors should be regularly reviewing completed safety checks and documenting this review.</p> <p>A hyphen is added to fix a grammar error.</p>	<p>The ESC acknowledged that an internal review of safety checks is an important practice that could be strengthened by revision to this regulation. A suggested revision:</p> <p><i>Safety checks shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60-minute lapse between safety checks. There shall be a written plan that includes the documentation of routine safety checks <u>and a process to review completed safety checks.</u></i></p> <p>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice ("CJCJ"), et al.:</p> <p><i>Recommendations for regulation revisions related to Safety Checks.</i></p> <ul style="list-style-type: none"> • Increase frequency of safety checks. • Conduct safety checks in an appropriate manner that protects peoples' physical and mental health. 	See Addendum Document. The ESC directed BSCC staff to create a revision that combines the proposed revisions of the Workgroup and those provided by public comments.		

SECTION 1029. Policy and Procedures Manual.

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)(3)	(a) The manual for Temporary Holding, Type I, II, and III facilities shall provide for, but not be limited to, the following: (1) Table of organization, including channels of communications. (2) Inspections and operations reviews by the facility administrator/manager. (3) Policy on the use of force that meets current state and federal legal requirements and includes prohibition of the use of carotid holds.	S	On September 30, 2020, Governor Gavin Newsom signed Assembly Bill 1196 (Chapter 324, Statutes of 2020), which prohibited law enforcement agencies from authorizing the use of carotid holds.			A	A
2	(a)(5)	(5) Procedure and criteria for screening newly received inmates for release. per Penal Code sections 849(b)(2) and 853.6, and any other such processes as the facility administrator is empowered to use.	A	The Workgroup elected to remove reference to statute related to release as these codes are no longer relevant.			A	A
3	(a)(9)	(9) Segregation - Separation of Inmates.	N	The word “segregation” has been changed to “separation” as it more accurately reflects facility practices.			A	A
4	(a)(12)	(12) Release policy, including release planning for the individual.	S	This addition reflects Governor Gavin Newsom’s October 12, 2019, veto message for Senate Bill 42, The Getting Home Safe Act. The message noted that the intent of the vetoed bill may be accomplished through methods that do not create a significant state reimbursable mandate. There is no existing regulation related to the allowance of released individuals voluntarily staying in local detention facilities.			A	A

				The addition ensures that facilities have a policy on release planning while not creating a state mandate.				
5	(e)(2)	(e) The manual for Temporary Holding, Court Holding, Type I, II, III, and IV facilities shall provide for, but not be limited to, the following: (1) multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, (2) a method for uninvolved inmates, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting shall be publicly posted at the facility.	A	A change is made to the term "third parties" to correct a grammatical error.			A	A

SECTION 1030. Suicide Prevention Program.

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 shall have a comprehensive written suicide prevention program developed by the facility administrator <u>or designee</u> , in conjunction with the health authority and mental health director, to identify, monitor, and provide treatment to those inmates who present a suicide risk. The program shall <u>consider national best practices and</u> include the following:	S	The workgroup discussed the suggestions of the ESC and the best practices and guidance established by the NCCHC and Lindsay Hayes. The overall intent of the changes to this section are to increase suicide prevention through training, awareness, and oversight. The addition of “or designee” allows facilities to be compliant when the facility administrator isn’t the position responsible for developing programs. A reference to best practices was also added to ensure that facilities are including national best practices in the creation of suicide prevention programs.	The ESC discussed: <ul style="list-style-type: none"> • suicide prevention best practices; • physical plant issues and suicide prevention; • prevention, assessment and treatment options; • recent media attention on suicides; • recent litigation involving suicides; • regional medical and mental health partnerships; • mental health evaluations prior to disciplinary housing assignments and following return from court, particularly for those involved in high-profile 		A	A
2	(a)-(k)	<p>(a) Annual <u>S</u>suicide prevention training for all <u>custodial personnel</u> staff that have direct contact with inmates.</p> <p>(b) Intake screening for suicide risk immediately upon intake and prior to housing assignment.</p> <p>(b)(c) <u>Screening during special situations, including placement in restrictive housing, following a hearing, and after a transfer or change in classification.</u></p> <p>(e)(d) Provisions facilitating communication among arresting/transporting officers, facility staff, <u>court staff</u>, medical and mental health personnel in relation to suicide risk.</p>	S	The revisions will require more training, better communication between staff, and corrective action as necessary to provide effective suicide prevention services and responses. Revisions will ensure that custodial staff are receiving annual refresher training on suicide prevention, that court staff are included in communications regarding suicide prevention, and that	<ul style="list-style-type: none"> • cases; and, • resources that could be provided to Workgroups such as National Commission on Correctional Health Care’s (NCCHC) recent publication regarding suicide prevention, and Lindsay Hayes’ report on suicide prevention (San Diego and Sacramento) 		A	A

		<p>(d)(e) _____ Housing recommendations for inmates at risk of suicide <u>that balance safety and environment. The least restrictive environment should be considered.</u></p> <p>(e)(f) Supervision depending on level of suicide risk.</p> <p>(f)(g) Suicide attempt and suicide intervention policies and procedures.</p> <p>(g)(h) _____ Provisions for reporting suicides and suicides attempts.</p> <p>(h)(i) Multi-disciplinary administrative review of suicides and attempted suicides as defined by the facility administrator, <u>including the development of a corrective action plan to address deficiencies identified in the administrative review.</u></p> <p>(j) <u>Provisions for follow up care as needed.</u></p> <p>(i)(k) <u>Plan for mental health consultation following return from court as needed.</u></p>		<p>a corrective action plan is developed when an administrative review identifies deficiencies.</p> <p>Revisions make requirements more prescriptive, but performance based enough so that every county can develop a plan specific to their own operations.</p> <p>The additional screening and housing considerations prioritize the least restrictive environment and align the regulation with NCCHC best practices.</p>			
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ARTICLE 4. RECORDS AND PUBLIC INFORMATION

SECTION 1040. Population Accounting.

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	Except in court holding and temporary holding facilities, each facility administrator shall maintain an inmate demographics accounting system which reflects the monthly average daily population of sentenced and non-sentenced inmates by categories of male, female gender and juvenile <u>status</u> .	S	Revisions reflect current use of terminology when referring to individuals housed in local detention facilities. Best practices indicate that that the term "gender" is more inclusive than specifying binary terms such as "male" and "female." The workgroup also agreed that "juvenile" was not necessarily a classification; the term "juvenile status" is more reflective of current practices.			A	A

SECTION 1046. Death in Custody.

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 review team <u>at a minimum</u> shall include the facility administrator and/or the facility manager <u>designee</u> , the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.	S	<p>The phrase “and/or” is replaced by “or” to provide clarity that either the facility administrator or their designee shall participate, but both are not needed. Revisions clarify participants in the review process.</p> <p>The term “at a minimum” was added to ensure individuals listed would participate in the death in custody review. Agencies can then determine what additional participants may be necessary. “Designee,” replaced “manager” to allow the facility administrator or their designee to participate but specify that both are not required.</p>			A	A

ARTICLE 5. CLASSIFICATION AND ~~SEGREGATION~~SEPARATION

SECTION 1050. Classification Plan.

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) Each administrator of a temporary holding, Type I, II, or III facility shall develop and implement a written classification plan designed to properly assign inmates to housing units and activities according to the categories of sex gender identity, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, risk of being sexually abused or sexually harassed, and other criteria which will provide for the safety of the inmates and staff.	S	Proposed changes update language to reflect gender equity.			A	A
2	(a) Paragraph 3	An inmate who has been sentenced to more than 60 days may request a review of his their classification plan no more often than 30 days from his their last review.	S	Changes remove the requirement that an inmate must be sentenced to 60-days to request a classification plan review. People should be able to request classification reviews at any time; the 60-day requirement seems unnecessary and overly burdensome. Gender-specific language was changed to reflect gender equity.			A	A
3	(b)	The plan shall include receiving and transmitting of information regarding inmates who represent unusual risk or hazard while confined at the facility, and the segregation separation of such inmates to the extent possible within the limits of the court holding facility.	N	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	A
4	(c)	(c) In deciding whether to assign an inmate to a housing area for male or female inmates , and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and	N	The workgroup recommended that the language be updated to be non-gender specific; there are many best practices			A	A

	whether the placement would present management or security problems. An inmate's own views with respect to his or her their own safety shall be given serious consideration.		related to the use of gender-inclusive language. Workgroup members considered socially accepted terms to replace gender biased, or gender-specific, language.				
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SECTION 1051. Communicable Diseases.

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, in cooperation with the responsible physician, shall develop written policies and procedures specifying those symptoms that require segregation medical isolation of an inmate until a medical evaluation is completed. At the time of intake into the facility, an inquiry shall be made of the person being booked as to whether or not he/she the person has or has had any communicable diseases, such as tuberculosis or has observable symptoms of tuberculosis or any other communicable diseases, or other special medical problem identified by the health authority. The response shall be noted on the medical screening form . booking form and/or screening device.	S	The Workgroup discussed the use of the word "segregation" which implies that a person who has symptoms of communicable disease receives punitive separation, which isn't the practice or intent of the regulation or facility practice. The correct response is to medically isolate. The workgroup had discussed the importance of non-gender specific language in the regulations and asked that the term "he/she" be replaced with "the person". The group also reviewed the suggestion from BSCC staff that "and/or" be replaced with more specific language.	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	A

SECTION 1058.5. Restraints and Pregnant ~~Inmates~~Persons.

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	(1) - (3)	<p>1) An inmate known to be pregnant or in recovery after delivery or termination of the pregnancy shall not be restrained by the use of leg irons or waist restraints, waist chains, or handcuffs behind the body.</p> <p>2) A pregnant inmate in labor, during delivery, or in recovery after delivery or termination of the pregnancy, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public.</p> <p>3) Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery or termination of the pregnancy determines that the removal of restraints is medically necessary.</p>	S	<p>The Medical/Mental health workgroup elected to add “recovery after termination of pregnancy” to the list of situations in which persons cannot be restrained according to regulation.</p> <p>Several best practices resources were referred to when proposing these revisions, including: National Commission on Correctional Health Care, American College of Obstetricians and Gynecologists, Bureau of Justice Assistance, and the American Medical Association, to name a few.</p>	<p>Public Comment Submitted by ACLU Cal Action via email:</p> <p>4) Upon confirmation of an inmate's pregnancy, she the pregnant person shall be advised, orally or in writing, of the standards and policies governing pregnant inmates.</p> <p>ACLU indicates that this use of inclusive language aligns with language used for pregnant individuals in the California Penal Code, specifically those sections revised by AB 732.</p>	BSCC Staff recommend that the ESC consider the ACLU's comments and make a recommendation for revision.	A	AC

ARTICLE 6. INMATE PROGRAMS AND SERVICES

SECTION 1061. Inmate Education Plan

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	Such a plan shall provide for the voluntary academic, and/or vocational, or both , education of housed inmates. Reasonable criteria for program eligibility shall be established. An inmate <u>A person may be provided modified academic or vocational opportunities</u> and an inmate may be excluded or removed based on sound security practices or failure to abide by facility rules and regulations.	S	The proposed changes will ensure access to academic or vocational opportunities for all people in the facility by allowing modified educational services. The Workgroup chose to modify the “and/or” to reflect that either or both academic and vocation programs may be provided.	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	A

SECTION 1062. Visiting.

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)-(g)	policies and procedures to allow visiting for non-sentenced detainees. The policies and procedures will include a schedule to assure that non-sentenced detainees will be afforded a visit no later than the calendar day following arrest. (c) The visiting policies developed pursuant to this section shall include provision for visitation by minor children of the inmate. (d) Video visitation may be used to supplement existing visitation programs, but shall not be used to fulfill the requirements of this section if in-person visitation is requested by an inmate. (e) Facilities shall not charge for visitation when visitors are onsite and participating in	S		Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice (“CJCJ”), et al.: <i>Recommendations for regulation revisions related to Visiting.</i> <ul style="list-style-type: none"> Protect against arbitrary cancellation of visits and phone calls Help families travel to jail or subsidize costs 	See Addendum Document. The ESC reviewed the proposed revisions received through public comments and requested that BSCC staff consider the comments and create three options, one of which may be approved by the ESC, or, presented to the BSCC Board:		

	<p>either in-person or video visitation. For purposes of this subsection, "onsite" is defined as the location where the inmate is housed.</p> <p>(f) Subdivision (d) shall not apply to facilities which (1) exclusively used video visitation prior to January 1, 2017 or (2) had been designed without in-person visitation space and conditionally awarded by the Board prior to June 27, 2017, funding authorized by Chapter 3.11 (commencing with Section 15820.90), Chapter 3.12 (commencing with Section 15820.91), Chapter 3.13 (commencing with Section 15820.92), or Chapter 3.131 (commencing with Section 15820.93).</p> <p>(g) If a local detention facility offered video visitation only as of January 1, 2017, the first hour of remote video visitation per week shall be offered free of charge.</p>				<ol style="list-style-type: none">1. The Workgroups proposed changes (shown above, Workgroup did not suggest any changes)2. Revisions suggested by CJCJ et al. in the public comment letter dated 8/28/20213. A BSCC staff recommended version of CJCJ et al.'s revisions.		
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SECTION 1063. Correspondence.

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	<u>Except in Temporary Holding and Court Holding facilities,</u> The facility administrator shall develop written policies and procedures for inmate correspondence which provide that:	S	Revisions provide clarity as to who this regulation applies to and increases the ability to connect with loved ones in the community by raising the amount of paper and paid envelopes provided to inmates without funds.	The group heard public comment from Mr. Brian Goldstein of the Center on Juvenile and Criminal Justice and ultimately chose to propose a revision increasing the number of envelopes and paper to four and eight, respectively, to ensure access to people without funds.		A	A
2	(e)	(e) those inmates who are without funds shall be permitted at least two-four postage paid envelopes and two-eight sheets of paper each week to permit correspondence with family members and friends but without limitation on the number of postage paid envelopes and sheets of paper to his or her attorney and to the courts.	S				A	A

SECTION 1064. Library Service.

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 scope of such service shall be determined by the facility administrator. The library service shall include access to legal reference materials <u>the following resources via any of the following methods: physical paper documents ,or through electronic media ,mail, vendor, kiosks, tablets; legal reference materials, and include</u> current information on community services and resources, and religious, educational, <u>legal reference material</u> and recreational reading material.	S	Revisions clarify that material should be available through paper or electronic sources; this revision provides flexibility to agencies to use methods that are most appropriate. Revisions also clarify that legal reference material must be made available through whatever means of access are used at the facility. The group did not review any specific best practice; however, they considered how current technology impacts how information may be accessed.	The Programs and Services Workgroup should consider: <ul style="list-style-type: none"> Multiple copies of documents would be helpful to provide access to more than one inmate at a time. The word “access” needs to be clarified (copies of physical paper documents, LRA requests, kiosks, tablets?) <i>Public comment submitted by: Merced County Sheriff’s Office</i> The ESC should revise what is required legal material for library services.	The Workgroup chose to add language outlining the other various methods by which library materials can be provided. The group discussed the Public Comment made by Merced County Sheriff’s Office and chose to make no changes as legal materials are not specifically defined in any known area and may be defined differently by federal, state, or local standards.	A	A

SECTION 1066. Books, Newspapers, Periodicals, and Writings.

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)	(a) The facility administrator of a Type II or III facility shall develop written policies and procedures which will permit inmates to purchase, receive and read any book, newspaper, periodical, or writing accepted for distribution by the United States Postal Service. The facility administrator shall develop and implement a written plan to make available a current newspaper or other like source, including a non-English language alternative, to ensure reasonable access to interested inmates. Nothing herein shall be construed as limiting the right of a facility administrator to:	S	The current regulation does not consider that many news sources have discontinued print news and may only have alternative sources available. It is a commonly accepted best practice to make non-English language sources of news available to people in local detention facilities. This revision aligns with those best practices.	The ESC requested the Programs and Services Workgroup consider: <ul style="list-style-type: none"> • That many publications are available online now. • Whether Type I and Temporary Holding facilities should be required to comply with 1066 given the short amount of time inmates are staying in those facilities. • Whether the regulation should require publications be provided to inmates in languages other than English and Spanish. Additional languages could be determined on a facility-by-facility basis by the demographics of the population. 		A	A
2	(b)	(b) The facility administrator of a Type I facility shall develop and implement a written plan to make available a daily-current newspaper or other like source in general circulation, including a non-English language publication alternative, to assure-ensure reasonable access to interested inmates.	S	Revisions require the facility administrator to have a written plan that outlines how they will provide current news sources to people housed at the facility, including a non-English alternative. This will provide the agency with flexibility in how to deliver current news to the population.			A	A

SECTION 1067. Access to Telephone.

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 which allow reasonable access to a telephone <u>or communication device</u> beyond those telephone calls which are required by Section 851.5 of the Penal Code.	S	Members also discussed the language pertaining to telephones, noting that it is outdated. Other methods of telephonic communication exist and are being used in facilities already. The group chose to insert "or communication device" so that facilities have the option of complying with the regulation using more contemporary telecommunication devices.	<p>Public comment was taken from Ms. Jeannette Carrillo of Santa Cruz Barrios Unidos regarding the use of "reasonable"; Ms. Carrillo's concern was that some agencies are limiting communication to hours late in the night when loved ones may not be available.</p> <p><i>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice ("CJCJ"), et al.:</i></p> <p><i>Recommendations for regulation revisions related to Access to Telephone.</i></p> <ul style="list-style-type: none"> • <i>Protect against arbitrary cancellation of visits and phone calls</i> • <i>Enforce rights to phone calls</i> • <i>Make phone calls less expensive</i> 	<p>See Addendum Document.</p> <p>The ESC reviewed the Workgroup proposed revisions and public comments requesting that BSCC staff create a combined revision that ensures access to telephones and communication devices, provides that telephonic equipment be accessible to individuals with speech impairments, and protects against the unnecessary revocation of telephonic communication.</p> <p>The Workgroup members felt strongly that regulation requirements should be applied consistently throughout the state and therefore the term "reasonable" was struck.</p> <p>BSCC staff will continue to follow the rulings of the California Public Utilities Commission (CPUC) to determine if revisions may be made to stay consistent with any rulings.</p>	AC	

SECTION 1069. Inmate Orientation.

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)	(a) In Type II, III, and IV facilities, the facility administrator shall develop written policies and procedures for the implementation of a program reasonably understandable to inmates designed to orient a newly received inmate at the time of placement in a living area. Access to an orientation program may be by video or written form. Additional measures may be necessary to ensure the orientation material is understood by all. Such a program shall be published and include, but not be limited to, the following:	S	The current regulation does not specifically require that facilities provide orientation information in writing or via video and do not note that additional measures may need to be taken to provide information in a manner that may be understood by all. Proposed changes ensure that all inmates have access to orientation information in a format that is understandable. It is considered best practice, and is currently a practice in the field, to provide orientation information as soon as possible once a person has been housed in a local detention facility. The items contained in the regulation provide applicable information for a person new to the facility to find information and services they need. Ensuring that the information is understood by all ensures equity in understanding.	<p><i>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice ("CJCJ"), et al.:</i></p> <p><i>Recommendations for regulations revisions related to Inmate Orientation.</i></p> <p><i>Access to an orientation program may be by video or written form. Additional measures may be necessary to ensure the orientation material is understood by all, such as translation for non-English speakers, must be taken by the facility administrator.</i></p>	<p>See Addendum Document.</p> <p>The ESC accepted the Workgroup's proposed revisions and asked that BSCC staff rework CJCJ et al.'s suggested insertion regarding translation for non-English speakers.</p>	AC	
2	(a)(5) – (a)(10)	(5) medical and mental health services; (6) classification/housing assignments; (7) court appearance where scheduled, if known; (8) voting, including registration; and, (9) zero tolerance policy against sexual abuse and sexual harassment; and, 10) availability of personal care items and opportunities for personal hygiene.	S	The items contained in the regulation provide applicable information for a person new to the facility to find information and services they need. Ensuring that the information is understood by all ensures equity in understanding.			A	

SECTION 1070. Individual/Family Service Programs.

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 of a Type II, III, or IV facility shall develop written policies and procedures which facilitate cooperation with appropriate public or private agencies for individual and or family social service programs for inmates. Such a program shall utilize the services and resources available in the community and may be in the form of a resource guide and or actual service delivery. The range and source of such services shall be at the discretion of the facility administrator and may include:	N	Revisions include edits for clarity and inclusion of "discharge planning" as a potential subject of a program at the facility. The Workgroup reviewed Section 1070, the ESC recommendations and public comment. The group agreed to removed "and/" in favor of "or" to ensure that the regulations only have one meaning, and to allow more flexibility for facility services.	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	A
2	(b)(1)-(b)(6)	(b) best practices in: (1) individual, group and or family counseling; (2) drug and alcohol abuse counseling; (3) cognitive behavioral interventions; (4) vocational testing and counseling; (5) employment counseling; (6) discharge and reentry planning ;	S	Discharge planning is considered a "best practice" to begin as soon as possible after admission to a facility. By adding discharge planning as a program/service that should be provided in local detention facilities, this addition ensures alignment with best practices.			A	A

SECTION 1073. Inmate Grievance Procedure.

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)	(a) Each administrator of a Type II, III, or IV facility and Type I facilities which hold inmate workers shall develop written policies and procedures whereby any inmate may file appeal and have resolved grievances relating to any conditions of confinement, included but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding. Such policies and procedures shall include:	N	This language is unclear and assumes that all grievances can be appealed and resolved. The intent of this regulation is that any person housed in a local detention facility can file a grievance related to conditions of confinement. After additional thought and review of the Michigan Law Prison Information Project's Prison and Jail Grievance Policies: Lessens from a Fifty-State Survey, BSCC staff revised the language to simplify the intent of the regulation, that any person may file a grievance according to the policy outlined in the regulation. This revision clarifies the intent of the regulation.	<p>Public Comment Submitted by ACLU Cal Action via email:</p> <p>The ACLU California affiliates receive numerous complaints from people who are incarcerated regarding staff/personnel. The addition of "staff conduct" to the list of conditions of confinement ensures the normalization and de-stigmatization of these complaints.</p> <p>Additional changes to the policies and procedures recommended by ACLU includes the following:</p> <ol style="list-style-type: none"> (1) a grievance form or instructions for registering a grievance, <u>including all relevant deadlines</u>; (2) resolution of the grievance at the lowest appropriate staff level; (3) appeal to the next level of review; (4) written reasons for denial of grievance at each level of review which acts on the grievance <u>with an</u> 	<p>See Addendum Document.</p> <p>The ESC considered the recommendations of the Workgroup and public comment suggestions by the ACLU and CJCJ, requesting that BSCC staff create three versions of the regulation, to either approve one of, or, to present to the BSCC Board:</p> <ol style="list-style-type: none"> 1. The original Workgroup-proposed revisions (shown above) 2. A combination of the revisions proposed by the ACLU and CJCJ et al. 3. A BSCC recommendation 		

					<p><u>explanation of appeal process and deadlines;</u> (5) <u>provision for initial response within a reasonable time limit ten calendar days from the date the grievance was received; and,</u> (6) <u>provision for resolving questions of jurisdiction within the facility; and,</u> (7) <u>provision for providing a copy of the grievance, appeal, response, and related documents to the incarcerated person.</u></p> <p>Grievance forms and denials must contain information sufficient for incarcerated individuals to exercise their right to file grievances and appeal. Additionally, denials must include instructions on how to appeal, including any relevant deadlines, for the appeal process to be effective. ACLU Cal Action suggests adding an explicit guideline of a maximum time frame of ten days within which an incarcerated person must receive an initial response to their grievance.</p> <p><i>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice ("CJCJ"), et al. recommends the ESC reject the workgroup</i></p>			
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					<p><i>recommendation to replace “appeal and have resolved” with the term “file” in the regulation language for Inmate Grievance Procedure.</i></p>			
2	(a)(1)-(a)(6)	<p>(1) a grievance form or instructions for registering a grievance; (2) resolution of the grievance at the lowest appropriate staff level; (3) appeal to the next level of review; (4) written reasons for denial of grievance at each level of review which acts on the grievance; (5) provision for response within a reasonable time limit; and, (6) provision for resolving questions of jurisdiction within the facility.</p>			<p><i>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice (“CJCJ”), et al. recommends the following:</i></p> <ul style="list-style-type: none"> • Define “reasonable” regarding “provision for response within a reasonable time limit.” • The grievance process must include a mechanism that allows incarcerated individuals to remain anonymous while raising concerns. 			

ARTICLE 7. DISCIPLINE

SECTION 1080. Rules and Disciplinary ~~Penalties~~-Actions.

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	1080. Rules and Disciplinary Penalties -Actions.	N	The workgroup felt that the regulation should be using terminology that is more contemporary and focused on rehabilitation rather than punitive actions; therefore, the word "penalties" has been replaced with "actions". The Workgroup also felt it was necessary to insert a reference to those individuals that may have limited literacy so that those persons receive necessary instruction and information in a form that may be understood.			A	A
2	Paragraph 1	Wherever discipline is administered, each facility administrator shall establish written rules and disciplinary actions penalties to guide inmate conduct. Such rules and disciplinary penalties actions shall be stated simply and affirmatively, and <u>affirmatively and</u> posted conspicuously in housing units and the booking area or issued to each inmate upon booking. For those inmates who are illiterate or <u>individuals with limited literacy, who are</u> unable to read English, and for persons with disabilities, provision shall be made for the jail staff to instruct them verbally or provide them with material in an understandable form regarding jail rules and disciplinary procedures and penalties <u>actions</u> .	S				A	A

SECTION 1081. Plan for Inmate Discipline.

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) Punitive <u>Disciplinary</u> Actions: Major violations of facility rules or repetitive minor acts of non-conformance or repetitive minor violations of facility rules shall be reported in writing by the staff member observing the act and submitted to the disciplinary officer. The consequences of such violations may include, but are not limited to:	S	<p>The Workgroup also discussed rehabilitation, and felt that it does not come from removing, but rather from providing opportunities. In discussing discipline measures, the group entertained the idea of removing the disciplinary diet as a sanction option but asked that the ESC review and decide on the issue.</p> <p>During the previous regulation revision, this regulation was updated to reflect national best practices borne out of case law related to disciplinary action in detention facilities, particularly Wolff v. McDonnell. Workgroup members and BSCC staff considered these same best practices during this revision.</p>	<p>Public Comment Submitted by ACLU Cal Action via email recommends the removal of "Disciplinary separation diet":</p> <p>(b) Punitive <u>Disciplinary</u> Actions: Major violations of facility rules or repetitive minor acts of non-conformance or repetitive minor violations of facility rules shall be reported in writing by the staff member observing the act and submitted to the disciplinary officer. The consequences of such violations may include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Loss of good time/work time. 2. Placement in disciplinary separation. 3. Disciplinary separation diet. 4. Loss of privileges mandated by regulations. 	<p>The ESC reviewed the revisions proposed by the Workgroup and in public comments requesting the BSCC staff research the issue of disciplinary diets and provide two options to the BSCC Board:</p> <ol style="list-style-type: none"> 1. the revisions as proposed by the Workgroup 2. removal of the disciplinary diet from Section 1081 and 1083. <p>BSCC staff recommend that the disciplinary diet be removed from Title 15.</p> <p>BSCC staff researched the use of disciplinary diets finding that many jails and prisons throughout the U.S. have discontinued use, include the California Department of Corrections and Rehabilitation.</p> <p>A December 2020, report published by the Impact Justice provides a national look at the use of food as punishment in correctional settings. The study found 18 states still</p>	AC	

						allow the use of disciplinary diets. The downward trend of use may well be in response to a 2009 Vermont state-level, Supreme Court ruling that a “nutraloaf” diet constitutes punishment that requires a hearing prior to assignment, and that the diet may only be given for a period of seven days Borden v. Hofmann, 2009 VT 30 (Vt. 2009). BSCC staff recommend removal of the disciplinary diet from Title 15.		
2	(b)	A staff member with investigative and punitive disciplinary authority shall be designated as a disciplinary officer to impose such consequences. Staff shall not participate in disciplinary review if they are involved in the charges.	N				A	
3	(b)	1. A copy of the report, and/or a separate written notice of the violation(s), shall be provided to the inmate.	N	Group members concurred that only “or” is necessary to ensure that notice.	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	
4	(b)	3. The inmate shall be permitted to appear on his/her own behalf at the time of hearing and present witnesses and documentary evidence. The inmate shall have access to staff or inmate assistance when the inmate is illiterate has limited literacy or the issues are complex.	N	This change is consistent with changes made to other sections throughout these regulations.			A	

SECTION 1082. Forms of Discipline.

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 degree of punitive actions taken by the disciplinary officer shall be directly related to the severity of the rule infraction <u>and promotion of desired behavior through a progressive disciplinary process.</u>	S	Consistent with changes proposed to other sections of the regulations, and existing juvenile Title 15 language on discipline, the Workgroup chose to strike the word “punitive,” and insert “and promotion of desired behavior through a progressive disciplinary process” to ensure that discipline is provided specifically to promote desired behavior and is more in line with the severity of offense. BSCC staff and workgroup members relied on many of the same best practices and case law as similar regulations proposed for revision as well as existing Title 15 Regulations for Juvenile Facilities.	<p>This topic was discussed alongside Administrative Segregation; resources should be shared with the workgroup (see below resources).</p> <p>Resources National Commission on Correctional Health Care Position Statement on Solitary Confinement New York Times 2015 Article on Solitary Confinement in CA Prisons</p>		A	A

SECTION 1083. Limitations on Disciplinary Actions.

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	<p>The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment, disciplinary actions shall not include corporal punishment, group punishment when feasible, and physical or psychological degradation.</p> <p>Additionally, there shall be the following limitations:</p>	S	<p>The group chose to insert language specifying which types of discipline, or punishment, were to be prohibited and include that the least restrictive options for the least amount of time should be exercised first.</p>	<p>This topic was discussed alongside Administrative Segregation; resources should be shared with the workgroup (see below resources).</p> <p>Resources National Commission on Correctional Health Care Position Statement on Solitary Confinement New York Times 2015 Article on Solitary Confinement in CA Prisons</p> <p><i>Public comment submitted by Pamila Lew, Senior Attorney, Disability Rights California:</i> Administrative Segregation §1053, Isolation (no regulation—but BSCC received feedback that the difference between administrative segregation, isolation and solitary confinement are not clear in the regulations), Discipline and Acceptable Types, Including Solitary Confinement §1082</p> <p>Public Comment Submitted by ACLU Cal Action via email recommends the removal of the following and insertion of the</p>	See discussion in 1081.	AC	
2	(a)	<p>(a) Disciplinary separation shall be considered an option of last resort and as a response to the most serious and threatening behavior, for the shortest time possible, and with the least restrictive conditions possible.</p> <p>(1) If an inmate is on disciplinary separation status for 30 consecutive days there shall be a review by the facility manager before the disciplinary separation status is continued. This review shall include a consultation with health care staff. Such reviews shall continue at least every fifteen days thereafter until the disciplinary status has ended. This review shall be documented.</p> <p>(b) (2) The disciplinary separation cells or cell shall have the minimum furnishings and space specified in Title 24, Part 2, 1231.2.6 and 2.7. Occupants shall be issued clothing and bedding as specified in Articles 13 and 14 of these regulations and shall not be deprived of them through any portion of the day except that those inmates who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive inmates of such articles of clothing and bedding shall be reviewed by the facility manager or designee during each 24 hour period.</p> <p>(3) If after placement in separation, mental health or medical staff determine that an individual has serious mental illness or an intellectual disability,</p>	S	<p>The Workgroup specified that if a medical or mental health staff member determines that an individual has serious mental illness or intellectual disabilities, that the individual shall be immediately removed from disciplinary separation for their own mental and physical safety.</p> <p>BSCC staff and workgroup members relied on Penal Code, the California Constitution, existing Juvenile Title 15 regulations on discipline, and many of the same best practices, case law, and remedial plans as similar regulations to propose revisions.</p>	<p><i>Public comment submitted by Pamila Lew, Senior Attorney, Disability Rights California:</i> Administrative Segregation §1053, Isolation (no regulation—but BSCC received feedback that the difference between administrative segregation, isolation and solitary confinement are not clear in the regulations), Discipline and Acceptable Types, Including Solitary Confinement §1082</p> <p>Public Comment Submitted by ACLU Cal Action via email recommends the removal of the following and insertion of the</p>			

		<p><u>they shall be removed from disciplinary separation immediately upon this determination.</u></p>			<p>additional language to comply with Section 1240 to 1246:</p> <p>(f) The disciplinary separation diet described in section 1247 of these regulations shall only be</p> <p>(1) utilized for major violations of institutional rules. In addition to the provisions of Section 1247, the facility manager shall approve the initial placement on the disciplinary separation diet and ensure that medical staff is notified.</p> <p>(2) In consultation with medical care staff, the facility manager shall approve any continuation on that diet every 72 hours after the initial placement.</p> <p><u>All diets must conform to the standards provided in Sections 1240-1246.</u></p>			
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ARTICLE 8. MINORS IN JAILS

SECTION 1101. Restrictions on Contact with Adult Prisoners.

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 establish policies and procedures to restrict sight and sound contact, as defined in Section 1006, between detained minors and adults confined in the facility. The policies and procedures should consider trauma-informed approaches in protecting minors from contact.	S	The workgroup chose to clarify the type of separation required between minors and adults by inserting "sight and sound," as well as language regarding trauma-informed approaches to provide minors with further protection. Resources and best practices considered include the Office of Juvenile Justice and Delinquency Prevention (2019). Compliance Monitoring Technical Assistance Tool: An Overview of Statutory and Regulatory Requirements... and Office of Juvenile Justice and Delinquency Prevention General Regulation Definitions.			A	A

SECTION 1106. Disciplinary Procedures.

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	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. <u>With the exceptions noted below, the provisions of Sections 1080-1084 shall apply when a minor is involved in disciplinary actions.</u>	S	Recent legislation requires this section to be updated for consistency with Welfare and Institutions Code and other sections of these regulations, including Title 15 for juvenile facilities. The Workgroup discussed Section 1106 and the use of disciplinary confinement for minors.			A	A
2	(a)-(e)	<p>(a) Minors requiring disciplinary confinement shall be housed only in living areas designated for the detention of minors. Pursuant to Welfare and Institutions Code Section 208.3, minors may not be placed in room confinement for disciplinary purposes.</p> <p>(b) Permitted forms of discipline include: (1) temporary loss of privileges; and, (2) loss of privileges mandated by applicable regulations disciplinary confinement.</p> <p>(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.</p> <p>(d) A status review shall be conducted for those minors placed in disciplinary confinement no less than every 24 hours.</p> <p>(e)(d) 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, sobering cells, or any other cell not specifically designated for the detention of minors; (5) deprivation of food; and, (6) room confinement; and, (6)(7) the adult disciplinary diet.</p>	S	The group requested that BSCC staff review other laws relative to confinement of minors and provide the workgroup with suggested edits that will make this section consistent with other statutes and Title 15 regulations.			A	A

SECTION 1122.5. Pregnant 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)	<p>(1) A minor known to be pregnant or in recovery after delivery <u>or termination of the pregnancy</u> shall not be restrained by the use of leg <u>or waist restraints</u> irons, waist chains, or handcuffs behind the body.</p> <p>(2) A pregnant minor in labor, during delivery, or in recovery after delivery <u>or termination of the pregnancy</u>, 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.</p> <p>(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 <u>or termination of the pregnancy</u> determines that the removal of restraints is medically necessary.</p>	S	The workgroup discussed restraints for pregnant inmates and the statute that prohibits such use of restraints. The regulation is identical to the related statutes which were developed to align with best practices for pregnant people in detention facilities, and also identical to changes proposed in Section 1058.5. Restraints and Pregnant Inmates.			A	A

ARTICLE 9. MINORS IN TEMPORARY CUSTODY IN A LAW ENFORCEMENT FACILITY

SECTION 1143. Care of Minors in Temporary Custody.

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)-(b)	<p>(a) The following shall be made available to all minors held in temporary custody:</p> <ul style="list-style-type: none"> (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 <u>appropriate</u> nourishment; (3) access to drinking water; and, (4) <u>access to language services;</u> (5) <u>Access to disabilities services;</u> (6) <u>Sanitary napkins, panty liners, and tampons as requested;</u> (4)(7) _____ privacy during consultation with family, guardian, and/or lawyer; (5)(8) _____ blankets and clothing, as necessary, to assure the comfort of the minor; and, (6)(9) _____ 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. <p>(b) <u>Upon entry, the minor shall be informed in writing of what is available under this section, and it shall be posted in at least one conspicuous place to which minors have access.</u></p>	S	Changes to this regulation ensure that minors receive a snack or appropriate nourishment without having to make a request; ensure that minors receive access to language and disability services, and that they are provided with sanitary napkins, panty liners, and tampons as requested. The addition of (b) will ensure that minors are aware of the items that are available to them while in temporary custody.		BSCC staff adjusted this regulation to correct punctuation in section (a)(3) and (a)(7).	AC	A

SECTION 1149. Criteria for Non-Secure Custody.

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	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. <u>While minors are held in temporary non-secure custody the provisions of Section 1143 apply.</u>	S	Changes to this regulation ensure that facilities understand the requirements of non-secure custody, including those provisions in Section 1143.			A	A

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

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	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. <u>prior to secure or non-secure custody of that minor.</u>	S	The current regulation language lacks clarity and conciseness. Language has been clarified to ensure that it is interpreted correctly to mean that medical clearance is obtained prior to the secure or non-secure custody of a minor, and that safety checks and supervision are conducted regardless of whether a minor displays outward signs of intoxication or influence of drugs.			A	A
2	Paragraph 2	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.	S				A	A
3	Paragraph 3	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.	S				A	A

4	Paragraph 4	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.	S				A	A
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ARTICLE 10. MINORS IN COURT HOLDING FACILITIES

SECTION 1162. 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	Paragraph 1	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 <u>and review</u> of safety checks.	S	The revision makes it clear that there should be a plan in place for review of safety checks so that noncompliance may be addressed immediately at the facility level, rather than waiting till a biennial inspection occurs.			A	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)
2	(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.	S	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 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	A
3	(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				A	A

SECTION 1206. Health Care Procedures Manual.

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)-(r)	The health authority shall, in cooperation with the facility administrator, set forth in writing, policies and procedures in conformance with applicable state and federal law, which are reviewed and updated at least every two years and include but are not limited to:			<i>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice ("CJCJ"), et al. recommends strengthening language to include the maximum amount of time a patient will wait to receive medical care in regulation revisions related to Health Care Procedures Manual.</i>	The ESC requested that BSCC staff develop a definition for "timely." BSCC staff recommend the following modification to the original regulation: (r) provisions for timely and appropriate medical and mental health screenings, access to medical and mental health services <u>within one week of request</u> , and no-cost access to contraception and STD treatment, for inmates who have reported sexual abuse or sexual harassment, regardless of the location where the incident(s) occurred.	AC	

SECTION 1207. Medical Receiving Screening.

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	<p>With the exception of inmates transferred directly within a custody system with documented receiving screening, a screening shall be completed on all inmates at the time of intake. This screening shall be completed in accordance with written procedures and shall include but not be limited to medical and mental health problems, developmental disabilities, tuberculosis and other communicable diseases.</p>	S	<p>Members noted that a receiving facility shouldn't rely on a previous screening because important information may not be provided during transfer; such as the date of the original screening, if the inmate has had known contact with a communicable disease within the original facility, or if the inmate had presented medical or mental health issues at the time of initial screening.</p> <p>While there is no one single identified national best practice, current and best practices indicate that medical receiving screening, especially those for communicable disease, be performed for the safety and security of inmates, staff, and public health.</p>			A	A

SECTION 1208. Access to Treatment.

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	<p>The health authority, in cooperation with the facility administrator, shall develop a written plan for identifying and/or referring any inmate who appears to be in need of medical, mental health, <u>dental</u>, or developmental disability treatment at any time during his/her incarceration subsequent to the receiving screening. The written plan shall also include the assessment and treatment of such inmates as described in Section 1207, Medical Receiving Screening. Assessment and treatment shall be performed by either licensed health personnel or by persons operating under the authority and/or direction of licensed health personnel.</p>	S	<p>Dental health is an important and necessary part of an individual's physical wellbeing and therefore these types of services must be offered when an individual appears to need treatment. The group also chose to strike the word "or" in favor of "and" to provide clarity to the requirement.</p> <p>Best practices indicate that inmates have access to proper care and treatment, including those for dental health.</p>	<p>Disability Rights California Memorandum, February 2, 2020, Page 8: Should include more specificity regarding the mental health services that jails must provide, including but not limited to:</p> <ul style="list-style-type: none"> - Access to all levels of psychiatric care (e.g. acute, enhanced/intensive outpatient, etc) and types of psychiatric care (e.g. individual therapy, group therapy, etc) and within what timeframe - Availability of mental health staff at all times and timeframes for review of individuals in need of assessment - Availability of confidential meeting areas - Continuation of pre-incarceration medications and upon reentry - Requirements to provide the most integrated setting appropriate for individuals with mental health needs, consistent with 28 C.F.R. § 35.152 - Role of mental health staff in classification and disciplinary decisions 	<p>BSCC staff recommends the ESC approve the workgroup recommendation.</p>	A	

					<p>Rationale: Constitutional minimums require jails to provide appropriate mental health services to all those incarcerated.</p> <p>BSCC staff recommends the term "and/or" be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.</p> <p><i>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice ("CJCJ"), et al. made a recommendation to include the maximum amount of time a patient will wait to receive medical care.</i></p>			
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SECTION 1208.5. Health Care Maintenance.

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	For inmates undergoing prolonged incarceration, an age appropriate and risk factor-based health maintenance visit shall take place within the inmate's second year anniversary of incarceration.	S	The requirement that an inmate's health maintenance visit occur within the second "anniversary" of incarceration is confusing, as an anniversary is a single point in time, not a period. A correction was also made for grammar by adding a hyphen to factor-based.			A	A
2	Paragraph 1	The specific components of the health maintenance examinations shall be determined by the responsible physician based on the age, gender, and health of the inmate. Thereafter, the health maintenance examinations shall be repeated at reasonable intervals, but not to exceed one year , as determined by the responsible physician.	S	The aging inmate population was of particular interest when choosing to make this change, as an inmate's length of stay in local detention facilities may be longer than in the past, and facilities are seeing increased numbers of older-aged inmates that require more frequent care. This new one-year requirement will ensure that inmates receive health care examinations more often and at a more consistent interval across the state.			A	A

SECTION 1210. Individualized Treatment Plans.

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)	(a) For each inmate treated by a mental health service in a jail, the responsible <u>mental health care provider</u> shall develop a written treatment plan.	S	The proposed change is simply a clarification of existing requirements to ensure that mental health care providers are the individuals providing mental health treatments in jails.	Disability Rights California (DRC) Memorandum, February 2, 2020, Page 8. The regulations should include more specificity regarding the mental health services that jails must provide.	The Workgroup considered the comments from DRC and agreed that the regulation already addressed the concerns outlined in the comment. The group did, however, choose to insert clarifying language to ensure that mental health care providers are the individuals providing mental health treatments.	A	A
2	(b)	(b) For each <u>inmate person</u> treated for health conditions for which additional treatment, special accommodations and/or a schedule of follow-up care is/are needed during the period of incarceration, responsible health care staff shall develop a written treatment plan.	N	The suggestion from BSCC staff to revise the “and/or” is unnecessary because the use of the term in this instance is appropriate.	BSCC staff recommends the term “and/or” be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning. BSCC staff recommends the following revisions for clarity in regulation requirements: “For each <u>inmate person</u> treated for health conditions for which additional treatment, special accommodations and/or a schedule of follow-up care is/are needed during the period of incarceration, responsible health care staff shall develop a written treatment plan.”		AC	A

SECTION 1240. Frequency of Serving.

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 Temporary Holding, Type I, II, and III facilities, and those Type IV facilities where food is served, food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Supplemental food must be served to inmates if more than 14 hours pass between meals. Additionally, supplemental food must be served to inmates on medical diets in less than a 14-hour period if prescribed by the responsible physician.	S		<p>Public Comment submitted via email Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.</p> <p>Recommendation for regulation revisions related to Frequency of Serving includes the following modifications to the language: At least one of these meals shall include hot food. <u>No more than 8 hours shall pass between meals.</u> Supplemental food must be served to inmates if more than 14<u>6</u> hours pass between meals. Additionally, supplemental food must be served to inmates on medical diets in less than a 14<u>6</u>-hour period if prescribed by the responsible physician.</p> <p>About 77 out of 94 survey respondents indicated that they had gone to bed hungry because the facility did not provide enough food.</p>	<p>BSCC staff recommends the ESC review the public comment submitted by CJCJ and consider additional regulation revisions.</p> <p><u>BSCC Recommendation</u> BSCC staff suggests clarifying that the 14 hours between meals applies to the time between evening and morning meals. Staff do not suggest a requirement specific to the timing to other meals throughout the day as facility schedules require flexibility.</p> <p>In Temporary Holding, Type I, II, and III facilities, and those Type IV facilities where food is served, food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Supplemental food must be served to inmates if more than 14 hours pass between <u>evening and morning</u> meals. Additionally, supplemental food must be served to</p>	AC	

						inmates on medical diets in less than a 14-hour the time period outlined above , if prescribed by the responsible physician.		
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SECTION 1241. Minimum Diet.

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		<p>The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 2011 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the 2008 California Food Guide, and the 2015-2020 Dietary Guidelines for Americans. Facilities providing religious, vegetarian or medical diets, shall also conform to these nutrition standards. The nutritional requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should be served. (excerpt)</p>			<p>Public Comment submitted by Renee Menart, Center on Juvenile and Criminal Justice ("CJCJ"), et al.:</p> <p>Recommendation for regulation revisions related to Minimum Diet.</p> <ul style="list-style-type: none"> • Healthy, wholesome, nutritious meals • 85 percent of calories needed to meet food group needs should be nutrient-dense. • Minimum standards should be set in accordance with caloric needs by demographic. • Tailored nutrition across the life span (ex: pregnant and elderly population) <p>Public Comment submitted via email by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.:</p> <p>The minimum diet provided shall be based upon the nutritional and caloric requirements found in the</p>	<p>BSCC Recommendation BSCC staff suggest the revisions shown below. The date of dietary guideline documents referenced should be updated to the most current versions, and the <i>2008 California Food Guide</i> should be removed as it appears that there is no replacement or update to that information. BSCC Staff will confirm if there is a replacement document available.</p> <p>The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 2014-9 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the 2008 California Food Guide, and the 2015-20-20205 Dietary Guidelines for Americans. Facilities providing religious, vegetarian or medical diets, shall also conform to these nutrition standards. The nutritional</p>	AC	

					<p>2011 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the 2008 California Food Guide, and the 2015-2020 2020-2025 Dietary Guidelines for Americans. Facilities providing religious, vegetarian or medical diets, shall also conform to these nutrition standards. The nutritional requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should shall be served.</p> <p>89 percent of survey respondents noted that the food they received did not provide a good source of nutrition.</p>	<p>requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should be served. (excerpt)</p>		
2	(a)	<p>(a) Protein Group. Includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter and textured vegetable protein (TVP). One serving equals 14 grams or more of protein; the daily requirements shall be equal to three servings (a total of 42 grams per day or 294 grams per week). In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week.</p>			<p>Public Comment Submitted by ACLU Cal Action via email recommends adding the following language in subsection (a):</p> <p>(a) Protein Group. Includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter and textured vegetable protein (TVP). One serving equals 14 grams</p>	<p>BSCC staff recommends the ESC review the public comment submitted by ACLU, ARC, and CJCJ, et. al., and consider additional regulation revisions.</p>		

					<p>or more of protein; the daily requirements shall be equal to three servings (a total of 42 grams per day or 294 grams per week). In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week. Limit serving processed meats to no more than one serving per week.</p> <p>Public Comment submitted by Center on Juvenile Justice and Criminal Justice, (“CJCJ”) et. al. also recommends adding the following language:</p> <p>In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week. Limit serving processed meats to no more than one serving per week and peanut butter to no more than two servings per week.</p>			
3	(d)	(d) Grain Group. Includes bread, rolls, pancakes, sweet rolls, ready-to-eat cereals, cooked cereals, corn bread, pasta, rice, tortillas, etc. and any food item containing whole or enriched grains. At least three servings from this group must be made with whole grains. The daily requirements shall be a minimum of six servings. Providing only the minimum servings outlined in this regulation is not sufficient to meet the inmates' caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet caloric requirements. Saturated dietary fat should not exceed 10 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet			<p>Public Comment submitted via email by Center on Juvenile Justice and Criminal Justice, (“CJCJ”) et. al. made the following recommendation:</p> <p>At least three-four servings per day from this group must be made with whole grains.</p> <p>Public Comment submitted via email by Center on</p>	<p>BSCC staff recommends the ESC review the public comment submitted by ARC, and CJCJ, et. al., and consider additional regulation revisions.</p> <p>BSCC Recommendation BSCC staff suggests the following changes:</p>	AC	

		<p>palatable. Facility diets shall consider the recommendations and intentions of the 2015-2020 Dietary Guidelines of Americans of reducing overall sugar and sodium levels.</p>			<p>Juvenile Justice and Criminal Justice, ("CJCJ") et. al. made the following recommendation:</p> <p>Providing only the minimum servings outlined in this regulation is not sufficient to meet the inmates' caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet daily caloric requirements. Saturated dietary fat should not exceed 10 percent of total calories on a weekly basis.</p> <p>Fat shall be added only in minimum amounts necessary to make the diet palatable. Facility diets shall consider follow the recommendations and intentions of the 2015-2020 2020-2025 Dietary Guidelines of Americans of reducing overall sugar and sodium levels.</p>	<p>Providing only the minimum servings outlined in this regulation is not sufficient to meet the inmates' caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet daily caloric requirements. Saturated dietary fat should not exceed 10 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable. Facility diets shall consider the recommendations and intentions of the 2015 2020-2020 2025 Dietary Guidelines of Americans of reducing overall sugar and sodium levels.</p>		
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SECTION 1242. Menus.

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	Menus in Type II and III facilities, and those Type IV facilities where food is served, shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods, thus preventing repetitive meals. Menus shall be approved by a registered dietitian before being used.			<p>Public Comment Submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al., recommends adding the following language:</p> <p>Menus in Type II and III facilities, and those Type IV facilities where food is served, shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods, thus preventing repetitive meals. Menus shall be approved by a registered dietitian before being used. The dietitian shall ensure that the meals meet the nutritional and hot food requirements set forth in Sections 1240 and 1241.</p> <p>The majority of survey respondents indicated that the food they received did not provide good source of nutrition and portion was inadequate for adults.</p>	<p>BSCC Recommendation Staff recommend that the ESC approve the revisions suggested by public comment:</p> <p>Menus in Type II and III facilities, and those Type IV facilities where food is served, shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods, thus preventing repetitive meals. Menus shall be approved by a registered dietitian before being used. The dietitian shall ensure that the meals meet the nutritional and hot food requirements set forth in Sections 1240 and 1241.</p>	AC	
2	Paragraph 2	If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet.			Public Comment Submitted by ACLU Cal Action via email and Center on Juvenile Justice and	BSCC Recommendation Staff recommend that the ESC approve the	AC	

					<p>Criminal Justice, (“CJCJ”) et. al., recommends adding the following language:</p> <p>If any meal served varies from the planned menu, the change and reason for the change shall be noted in writing on the menu and/or production sheet. Each meal served must meet the nutritional and hot food requirements set forth in Sections 1240 and 1241, even if it varies from the planned menu. Variations in the menu shall meet the caloric requirements set forth in Section 1240.</p>	<p>revisions suggested by public comment:</p> <p>If any meal served varies from the planned menu, the change shall be noted in writing on the menu and/or production sheet. Variations in the menu shall meet the caloric requirements set forth in Section 1240.</p>		
3	Paragraph 3	Menus, as planned, including changes, shall be evaluated by a registered dietitian at least annually.			<p>Public Comment Submitted by ACLU Cal Action via email recommends changing the evaluation frequency from annually to quarterly:</p> <p>Menus, as planned, including changes, shall be evaluated by a registered dietitian at least annually quarterly.</p> <p>Center on Juvenile Justice and Criminal Justice, (“CJCJ”) et. al., also recommends the following language:</p> <p>Menus, as planned, including changes, shall be evaluated by a registered dietitian at least Annually quarterly. The registered dietitian shall</p>	<p>BSCC staff recommends the ESC review the public comment submitted by ACLU, ARC, and CJCJ, et. al., and consider additional regulation revisions.</p>		

					visually inspect a full day's meals in each facility per quarter.			
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SECTION 1243. Food Service Plan.

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		<p>Facilities shall have a written food service plan that shall comply with the applicable California Retail Food Code. In facilities with an average daily population of 100 or more, there shall be employed or available, a trained experienced food services manager to prepare and implement a food service plan. In facilities of less than an average daily population of 100 that do not employ or have a food services manager available, the facility administrator shall prepare a food service plan.</p> <p>The plan shall include, but not limited to, the following policies and procedures:</p> <ul style="list-style-type: none"> (a) menu planning; (b) purchasing; (c) storage and inventory control; (d) Adult Title 15 Minimum Standards (e) Effective 10/1/2019 67 (d) food preparation; (e) food serving; (f) transporting food; (g) orientation and ongoing training; (h) personnel supervision; (i) budgets and food cost accounting; (j) documentation and record keeping; (k) emergency feeding plan; (l) waste management; and (m) maintenance and repair; and (f) (n) three-day mainline sample tray. 	A		<p>Public Comment submitted by Center on Juvenile Justice and Criminal Justice, (“CJCJ”) et. al. made a recommendation to include language regarding the use of emergency rations when food is deemed unsafe, e.g. mold, rotten, etc.) in the regulation revisions related to Food Service Plan</p>	<p>BSCC staff recommends the ESC review the public comment and consider adding clarifying language regarding food that may not be fit for consumption.</p> <p>The staff-proposed requirements below are consistent with those of the California Retail Food Code which is already referenced in this section.</p> <p>The plan shall include, but not limited to, the following policies and procedures:</p> <ul style="list-style-type: none"> (a) menu planning; (b) purchasing; (c) storage and inventory control; (d) food preparation and handling, including provisions for food that is found to be contaminated, expired, showing obvious signs of spoilage, or otherwise not fit for human consumption; (e) food serving; (f) transporting food; <p>...</p>	AC	

SECTION 1246. Food Serving and Supervision.

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	Policies and procedures shall be developed and implemented to ensure that appropriate work assignments are made and food handlers are adequately supervised. Food shall be prepared and served only under the immediate supervision of a staff member.			<p>Public Comment Submitted by ACLU Cal Action via email recommends modifying this section to include additional requirements:</p> <ul style="list-style-type: none"> (a) Policies and procedures shall be developed and implemented to ensure that appropriate work assignments are made and food handlers are adequately supervised. (b) Food shall be prepared and served only under the immediate supervision of a staff member. (c) Food service shall comply with the applicable California Retail Food Code. (d) Meals shall not be served on the floors. (e) Meals shall be made accessible for consumption within 5 minutes of service. <p>Center on Juvenile Justice and Criminal Justice, ("CJJC") et. al., also made</p>	BSCC staff recommends the ESC review the public comment and consider that the BSCC staff recommended revisions to Section 1243 already address issues of food that are unsuitable for consumption.	A	

					<p>the following recommendation:</p> <p>Policies and procedures shall be developed and implemented to ensure that appropriate work assignments are made and food handlers are adequately supervised. Food shall be prepared and served only under the immediate supervision of a staff member. Policies must include a provision for immediate replacement food that is rotten, contains mold, contains a foreign substance, (e.g., maggot), or a hot meal that is served cold.</p> <p>Surveyed respondents explained that a lack of basic food safety continues to pose a health risk for incarcerated people. The food are often inedible, rotten, and sometimes bugs were found.</p>			
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SECTION 1247. Disciplinary Separation Diet.

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	Disciplinary Separation Diet.			Public Comment Submitted by ACLU Cal Action via email recommends modifying the title of this section: "Prohibition on Disciplinary Separation Diet."	BSCC staff recommends the ESC review the public comment and consider making the proposed title change.	AC	
2	Paragraph 1	(a) A disciplinary separation diet which is nutritionally balanced may be served to an inmate. No inmate receiving a prescribed medical diet is to be placed on a disciplinary separation diet without review by the responsible physician or pursuant to a written plan approved by the physician. Such a diet shall be served twice in each 24 hour period and shall consist of one-half of the loaf (or a minimum of 19 oz. cooked loaf) described below or other equally nutritious diet, along with two slices of whole wheat bread and at least one quart of drinking water if the cell does not have a water supply. The use of disciplinary separation diet shall constitute an exception to the three-meal-a-day standard. Should a facility administrator wish to provide an alternate disciplinary diet, such a diet shall be submitted to the Board for approval. (b) The disciplinary diet loaf shall consist of the following: 2-1/2 oz. nonfat dry milk 4-1/2 oz. raw grated potato 3 oz. raw carrots, chopped or grated fine 1-1/2 oz. tomato juice or puree 4-1/2 oz. raw cabbage, chopped fine 7 oz. lean ground beef, turkey or rehydrated, canned, or frozen Textured Vegetable Protein (TVP)			Public Comment Submitted by ACLU Cal Action via email recommends replacing the entire section with the following: Modifications to diets shall not be used for disciplinary reasons. All meals shall be nutritionally balanced and conform to the standards provided in Sections 1240-1246. While disciplinary segregation itself may be permissible under Bell v. Wolfish standards, the modification of minimum diets through the imposition of "disciplinary segregation diets" goes beyond the institution's interest in maintaining jail security and may constitute unconstitutional punishment under the Fifth	BSCC Recommendation BSCC staff suggest that the existing regulation language be struck, and replaced with the following requirement proposed by the ACLU's public comment: Modifications to diets shall not be used for disciplinary reasons. All meals shall be nutritionally balanced and conform to the standards provided in Sections 1240-1246. Research has shown that many jails and prisons throughout the U.S. have discontinued use of "nutraloaf" or "the loaf, including the California Department of Corrections and Rehabilitation.	AC	

		<p>2-1/2 fl. oz. oil 1-1/2 oz. whole wheat flour 1/4 tsp. salt 4 tsp. raw onion, chopped 1 egg 6 oz. dry red beans, pre-cooked before baking (or 16 oz. canned or cooked red kidney beans) 4 tsp. chili powder Shape into a loaf and bake at 350-375 degrees for 50-70 minutes.</p>			<p>Amendment (441 U.S. 520, 540 (1979)).</p> <p>Even if it is not unconstitutional to serve disciplinary meals, there is strong evidence that it is not considered a best practice for the industry. States across the nation have stopped using nutraloaf, and California state prisons have already eliminated its use.</p>	<p>A December 2020, report published by Impact Justice provides a national look at the use of food as punishment in correctional settings. The study found 18 states still allow the use of disciplinary diets. The downward trend of use may well be in response to a 2009 Vermont state-level, Supreme Court ruling that a "nutraloaf" diet constitutes punishment that requires a hearing prior to assignment, and that the diet may only be given for a period of seven days Borden v. Hofmann, 2009 VT 30 (Vt. 2009).</p>		
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SECTION 1248. Medical Diets.

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 3	Pregnant women shall be provided a balanced, nutritious diet approved by a doctor.		<p>Survey respondents had serious concerns regarding nutrition among the general population, and particularly vulnerable populations (e.g., pregnant people, elderly people) are at an even greater risk with the current subpar regulations.</p> <p>Standards for Health Services in Prisons, 2018 edition, published by the National Commission on Correctional Health Care, provides standards regarding pregnancy that indicate “Appropriate nutrition and prenatal vitamins should be given to lactating women [...]”</p> <p>The recommended revision provides additional clarity to the specific guidelines that should be followed for incarcerated women with prenatal care needs and seniors.</p>	<p>Center on Juvenile Justice and Criminal Justice, (“CJJC”) et. al., recommends the following revision to the regulatory language:</p> <p>Pregnant or lactating women-inmates shall be provided a balanced, nutritious diet approved by a doctor and in line with the 2020-2025 Dietary Guidelines for Americans. Older adults (ages 60 and older) shall be provided a balanced, nutritious diet approved by a doctor in line with the 2020-2025 Dietary Guidelines for Americans.</p>	<p>BSCC Recommendation Staff suggests the ESC review public comments and consider revising the regulation on medical diet to include a reference to medical diets for lactating and older adult individuals. These individuals are included in, and consistent with, the 2020-2025 Dietary Guidelines for Americans, which is already incorporated by reference in these regulations.</p>	AC	

SECTION 1260. Standard Institutional Clothing.

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		<p>The standard issue of climatically suitable clothing to inmates held after arraignment in all but Court Holding, Temporary Holding and Type IV facilities shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) clean socks and footwear; (b) clean outer garments; and, (c) clean undergarments; <ul style="list-style-type: none"> (1) for males - shorts and undershirt, and (2) for females - bra and two pairs of panties. <p>The inmates' personal undergarments and footwear may be substituted for the institutional undergarments and footwear specified in this regulation. This option notwithstanding, the facility has the primary responsibility to provide the personal undergarments and footwear.</p> <p>Clothing shall be reasonably fitted, durable, easily laundered and repaired.</p>			<p>Public Comment submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.:</p> <p>Recommendation for regulation revisions related to Standard Institutional Clothing.</p> <p>All issued clothing must be clean, and must be cleaned with reasonable frequency.</p> <p>All issued underwear must be new.</p> <p>Regulation should define "clean."</p> <p>Public Comment Submitted by ACLU Cal Action via email:</p> <p>The standard issue of climatically suitable clothing to inmates held after arraignment in all but Court Holding, Temporary Holding and Type IV facilities shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) clean socks and footwear; (b) clean outer garments; and, (c) clean undergarments; 	<p>BSCC recommendation</p> <p>The ESC should review the public comment, considering that it has already approved a new definition for the term "clean," and that the regulation already requires clothing be "correctly sized" in the final paragraph where "reasonably fitted" clothing is mentioned.</p> <p>Staff suggest the following:</p> <p>...</p> <p>Clothing shall be reasonably fitted, durable, easily laundered and repaired. All issued clothing must be clean, free of holes and tears.</p> <p>Individuals shall be able to select the garment type more compatible with their gender identity and gender expression.</p>	AC	

					<p>(1) for males - shorts and undershirt shorts or two pairs of panties, and</p> <p>(2) for females - bra and two pairs of panties bra or undershirt.</p> <p>Within each category, individuals shall be able to select the garment type more compatible with their gender identity and gender expression.</p> <p>Center on Juvenile Justice and Criminal Justice, (“CJCJ”) et. al., recommends including the following verbiage:</p> <p>The standard issue of climatically suitable clothing to inmates held after arraignment in all but Court Holding, Temporary Holding and Type IV facilities shall include, but not be limited to:</p> <p>(a) clean socks and footwear;</p> <p>(b) clean outergarments; and,</p> <p>(c) clean-new undergarments;</p> <p>(1) for males - shorts and undershirt, and</p> <p>(2) for females - bra and two pairs of panties.</p>			
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					<p>Clothing shall be reasonably fitted, <u>correctly sized</u>, durable, <u>and</u> easily laundered and repaired. <u>Clothing shall be fully intact (no holes or tears) and unstained.</u></p> <p>Over half of survey respondents (56 percent) expressed that they did not receive a clean mattress/sleeping pad, bed sheets, blankets, and clothing in jail.</p>			
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SECTION 1261. Special Clothing.

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		Provision shall be made to issue suitable additional clothing, essential for inmates to perform such special work assignments as food service, medical, farm, sanitation, mechanical, and other specified work.			Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.: Recommendation for regulation revisions related to Special Clothing. All issued clothing must be clean, and must be cleaned with reasonable frequency.	BSCC recommendation The ESC should review the public comment and consider the follow staff suggested addition: All issued clothing must be clean, free of holes and tears.	AC	

SECTION 1262. Clothing Exchange.

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		There shall be written policies and procedures developed by the facility administrator for the scheduled exchange of clothing. Unless work, climatic conditions, illness, or California Retail Food Code necessitates more frequent exchange, outer garments, except footwear, shall be exchanged at least once each week. Undergarments and socks shall be exchanged twice each week.			Public Comment submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.: Recommendation for regulation revisions related to Clothing Exchange. All issued clothing must be clean, and must be cleaned with reasonable frequency. All issued underwear must be new.	BSCC Recommendation Staff suggests the ESC review the public comment and consider additional regulation revisions; a definition for the term "clean" has already been approved. Staff suggest the following addition: All issued clothing must be clean, free of stains, holes, and tears.	AC	

					<p>Center on Juvenile Justice and Criminal Justice, ("CJJC") et. al., submitted the following recommendation:</p> <p>There shall be written policies and procedures developed by the facility administrator for the scheduled exchange of clothing. Unless work, climatic conditions, illness, or California Retail Food Code necessitates more frequent exchange, outer garments, except footwear, shall be exchanged at least once each week for clean outer garments that meet the requirements of Section 1260. Undergarments and socks shall be exchanged for clean undergarments and socks twice each week.</p>			
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SECTION 1263. Clothing Supply.

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		There shall be a quantity of clothing, bedding, and linen available for actual and replacement needs of the inmate population. Written policy and procedures shall specify handling of laundry that is known or suspected to be contaminated with infectious material.			<p>Public Comment submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.:</p> <p>Recommendation for regulation revisions related to Clothing Supply.</p> <p>All issued clothing must be clean, and must be cleaned with reasonable frequency.</p> <p>All issued underwear must be new</p>	<p>BSCC recommendation</p> <p>The ESC should review the public comment and consider additional regulation revisions.</p> <p>Staff suggest the following:</p> <p>There shall be a quantity of <u>clean</u> clothing, bedding, and linen available for actual and replacement needs of the inmate population. Written policy and procedures shall specify handling of laundry that is known or suspected to be contaminated with infectious material.</p>	AC	

SECTION 1265. Issue of Personal Care Items.

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		<p>There shall be written policies and procedures developed by the facility administrator for the issue of personal hygiene items. Each female inmate shall be provided with sanitary napkins, panty liners, and tampons as requested. Each inmate to be held over 24 hours who is unable to supply himself/herself with the following personal care items, because of either indigency or the absence of an inmate canteen, shall be issued:</p> <p>(a) toothbrush, (b) dentifrice, (c) soap, (d) comb, and (e) shaving implements.</p> <p>Inmates shall not be required to share any personal care items listed in items "a" through "d."</p> <p>Inmates will not share disposable razors. Double edged safety razors, electric razors, and other shaving instruments capable of breaking the skin, when shared among inmates, must be disinfected between individual uses by the method prescribed by the State Board of Barbering and Cosmetology in Sections 979 and 980, Division 9, Title 16, California Code of Regulations.</p>			<p>Center on Juvenile Justice and Criminal Justice, ("CJJ") et. al., submitted the following recommendation to the language:</p> <p>Each female <u>menstruating or pregnant</u> inmate shall be provided with sanitary napkins, panty liners, and tampons as requested <u>and not subject to a maximum per day.</u></p> <p><u>Personal care items shall be issued within the first 12 hours of entry.</u> Inmates shall not be required to share any personal care items listed in items "a" through "d."</p> <p>Individuals who responded to the survey did not have adequate access to menstrual products and shower.</p>	<p>BSCC Recommendation Staff suggest that the ESC review public comment and consider revising the regulation language.</p> <p>The Penal Reform International linked a document published by the Commonwealth Human Rights Initiative that recommends the minimum standards regarding menstrual hygiene to be adopted by prison authorities in other countries outside the Unites States. One of the key recommendations includes the provision of quality and sufficient quantity of sanitary pads, that there should be no limit on the quantity of products one can access to ensure menstrual equity (#6, page 5).</p> <p>Staff recommended revisions include:</p> <p>... Each female inmate shall be provided with sanitary napkins, panty liners, and tampons as</p>	AC	

						<p>requested with no maximum allowance. Each inmate to be held over 24 hours who is unable to supply himself/herself with the following personal care items, because of either indigency or the absence of an inmate canteen, shall be issued:</p> <ul style="list-style-type: none">(a) toothbrush,(b) dentifrice,(c) soap,(d) comb, and(e) shaving implements. <p>Personal care items shall be issued within the first 12 hours of housing assignment. Inmates shall not be required to share any personal care items listed in items "a" through "d."</p> <p>...</p>		
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SECTION 1266. Showering.

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		There shall be written policies and procedures developed by the facility administrator for inmate showering/bathing. Inmates shall be permitted to shower/bathe upon assignment to a housing unit and at least every other day or more often if possible.			<p>Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al., made a recommendation to include the following language:</p> <p>At no point shall an inmate be prohibited from showering for more than 48 hours.</p> <p>Regarding Section 1266 83 percent of survey respondent further revealed that they had basic resources withheld as a form of discipline, one example of which included showers during a 16-day lockdown.</p>	<p>BSCC Recommendation Standard 23-3.9(c), published by the American Bar Association regarding Conditions of Confinement states that "During any lockdown, correctional authorities should not suspend medical services, food services, and provision of necessities [...] prisoners should be afforded access to showers, correspondence, delivery of legal materials, and grievance procedures." The current regulations should take into consideration best practices.</p> <p>Staff suggest that the change proposed in public comment (shown below) be added to the regulation.</p> <p>At no point shall an inmate be prohibited from showering for more than 48 hours.</p>	AC	

SECTION 1270. Standard Bedding and Linen Issue.

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	Two blankets or sleep bag may be issued in place of one mattress cover or one sheet.			<p>Public Comment Submitted by ACLU Cal Action via email recommends adding the following language:</p> <p>Two blankets or sleep bag may be issued in place of one mattress cover or one sheet at the request of the incarcerated person.</p>	BSCC staff recommends the ESC accept the workgroup recommendation.	A	
2	Paragraph 2	Temporary Holding facilities which hold persons longer than 12 hours shall meet the requirements of (a), (b) and (d) above.			<p>Public Comment Submitted by ACLU Cal Action via email recommends revising the language as the followings:</p> <p>Temporary Holding facilities which hold persons longer than 12 hours shall provide an inmate with the requirements of (a), (b) and (d) above prior to their first night in the facility and every night thereafter.</p> <p>The language used in the current regulation does not clarify that one must receive their mattress and linens prior to their first time sleeping in a facility and that if this fails to occur, it must be recorded.</p>	<p>BSCC staff recommends the ESC accept the workgroup recommendation.</p> <p>Temporary holding facilities will not hold persons beyond 24 hours.</p>	A	

					<p>Public Comment submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al. made the following recommendations:</p> <p>Temporary Holding facilities which hold persons longer than 12 hours shall provide an inmate with bedding and linen meets the requirements of (a), (b) and (d) above prior to their first night in the facility and every night thereafter.</p> <p>Type I, II, III and IV facilities must provide an inmate with bedding and linen that meets the requirements of (a), (b), (c) and (d) above prior to their first night in the facility and every night thereafter.</p> <p>Over half of survey respondents (56 percent) expressed that they did not receive a clean mattress/sleeping pad, bed sheets, blankets, and clothing in jail.</p>			
3	Paragraph 3	<p>The standard issue of clean suitable bedding and linens, for each inmate entering a living area who is expected to remain overnight, shall include, but not be limited to:</p> <p>(a) one serviceable mattress which meets the requirements of Section 1272 of these regulations;</p> <p>(b) one mattress cover or one sheet;</p> <p>(c) one towel; and,</p> <p>(d) one blanket or more depending upon climatic conditions.</p>			<p>Public Comment Submitted by ACLU Cal Action via email recommends adding the following paragraph:</p> <p>Type I, II, III, and IV facilities must provide an inmate with the requirements of (a), (b), (c), and</p>	<p>BSCC staff recommends the ESC accept the workgroup recommendation with one modification:</p> <p>Items (a), (b), and (d) shall be provided prior to the first night in the facility.</p>	AC	

		Two blankets or sleep bag may be issued in place of one mattress cover or one sheet. Temporary Holding facilities which hold persons longer than 12 hours shall meet the requirements of (a), (b) and (d) above.			(d) above prior to their first night in the facility and every night thereafter.			
4	Paragraph 4	The standard issue of clean suitable bedding and linens, for each inmate entering a living area who is expected to remain overnight, shall include, but not be limited to: (a) one serviceable mattress which meets the requirements of Section 1272 of these regulations; (b) one mattress cover or one sheet; (c) one towel; and, (d) one blanket or more depending upon climatic conditions. Two blankets or sleep bag may be issued in place of one mattress cover or one sheet. Temporary Holding facilities which hold persons longer than 12 hours shall meet the requirements of (a), (b) and (d) above.			Public Comment Submitted by ACLU Cal Action via email adding the following paragraph: If an inmate does not receive the requirements outlined in (a), (b), and (d) prior to their first night in a Temporary Holding, Type I, Type II, Type III, or Type IV facility or for any night during their stay in that facility, facility personnel must record the inmate's name, booking number, the date, and the reason why they did not receive the outlined requirements.	BSCC staff recommends the ESC review the public comment and consider additional regulation revisions.	See above.	
5	All	The standard issue of clean suitable bedding and linens, for each inmate entering a living area who is expected to remain overnight, shall include, but not be limited to: (a) one serviceable mattress which meets the requirements of Section 1272 of these regulations; (b) one mattress cover or one sheet; (c) one towel; and, (d) one blanket or more depending upon climatic conditions. Two blankets or sleep bag may be issued in place of one mattress cover or one sheet. Temporary Holding facilities which hold persons longer than 12 hours shall meet the requirements of (a), (b) and (d) above.	S		Public Comment submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.: Recommendation for regulation revisions related to Bedding and Linen Exchange. All issued bedding materials must be clean and intact.	BSCC staff recommends the ESC review the public comment submitted by CJCJ and consider additional regulation revisions.	See above.	

SECTION 1271. Bedding and Linen Exchange.

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		<p>There shall be written policies and procedures developed by the facility administrator for the scheduled exchange of laundered and/or sanitized bedding and linen issued to each inmate housed. Washable items such as sheets, mattress covers, and towels shall be exchanged for clean replacement at least once each week. If a top sheet is not issued, blankets or sleep bags shall be laundered or dry cleaned at least once a month or more often if necessary. If a top sheet is issued, blankets shall be laundered or dry cleaned at least every three months.</p>	S	<p>According to a letter issued by the Department of Justice's Civil Rights Division regarding an investigation of the Miami-Dade County Jail, improper maintenance of mattresses plays an important role in preventing the spread of diseases and infections in a corrections setting. Torn or damaged mattresses beyond repair should be discarded (p.26).</p>	<p>Public Comment submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al.:</p> <p>Recommendation for regulation revisions related to Bedding and Linen Exchange.</p> <p>All issued bedding materials must be clean and intact.</p> <p>Public Comment submitted by Center on Juvenile Justice and Criminal Justice, ("CJCJ") et. al. made a recommendation to include the following language related to Bedding and Linen in Exchange:</p> <p>Mattress with holes, tears, or that lack sufficient padding shall be replaced upon request with mattresses that meet the requirements of Section 1270.</p>	<p>BSCC staff recommends the ESC approve the regulation as is and consider adding the public comment recommendation, with the following modifications, to Section 1272, Mattresses:</p> <p>Mattress shall be free of holes and tears.</p>	A	