

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

Title 24 Substantive Proposed Revisions

LEGEND

Revisions:

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

Actions:

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

TITLE 24. PART 1 MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LOCAL DETENTION FACILITIES

SECTION 13-102. MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES.

(a) Definitions

Approve changes listed below

#	Section	Proposed Revision	Revision Type (S, N, A)	Rationale / Best Practice	ESC Recommendations & Public Comments	Response to Recommendations and Comments	BSCC Rec Action (A, AC, D)	ESC Action (A, AC, D)
1	(a) Definitions.	ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Corrections Standards Authority Board of State and Community Corrections pursuant to an application.		The agency, "Corrections Standards Authority" has been replaced with the current agency name, "Board of State and Community Corrections".			A	
2	(a) Definitions.	CLINICAL EVALUATION means an assessment of a person's physical and/or mental health condition conducted by licensed health personnel operating within recognized scope of practice specific to their profession and authorized by a supervising physician or psychiatrist.	S	The definition is unnecessary because it is not a term used in Title 24. It is better suited for operational regulations in Title 15, and already exists there.			A	
3	(a) Definitions.	DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a	S	The definition was modified to provide clarity and to replace an extremely outdated term, "mental		BSCC Recommendation On 8/31/2021, the ESC approved the same revisions to	A	

		substantial disability for that individual. This term includes <u>cognitive and intellectual disabilities</u> mental retardation , cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to <u>cognitive and intellectual disabilities</u> mental retardation or to require treatment similar to that required for mentally retarded individuals.		retardation” with the current and acceptable terminology, “cognitive and intellectual disabilities”. This change is consistent with those proposed in Title 15.		“developmentally disabled” in Title 15. For consistency, the ESC should approve this definition as proposed.		
4	(a) Definitions.	<u>DISABILITY means a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment.</u>	S	The term “disability” replaces the definition of “people with disabilities” to ensure the regulation is describing the condition of being disabled, and not the person who is disabled; the proposed definition is aligned with that of the Americans with Disabilities Act, and mirrors the proposed changes in Title 15.		BSCC Recommendation On 8/31/2021, the ESC approved the proposed definition of “disability” in Title 15. For consistency, the ESC should approve this definition as proposed.	A	
5	(a) Definitions.	<u>INMATE WORKER is defined as a person assigned to perform designated tasks outside of their cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.</u>	S	The definition was previously part of the Type I Facility definition. It is proposed to become a stand-alone definition to provide a clear description for a term that is used throughout Title 24.		BSCC Recommendation On 8/31/2021, the ESC approved the recommendation to remove the term “inmate” and replacing with “incarcerated person.” The ESC should consider if further revision to the definition of this term would be necessary for consistency reason.	A	

7	(a) Definitions.	PEOPLE WITH DISABILITIES includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.	S	The workgroup proposed to delete this definition and instead adopt the ADA's definition of "Disability" which means, "a physical or mental impairment that substantially limits one or more major life activities; a record or history of such an impairment; or is regarded or perceived by others as having such an impairment."		BSCC Recommendation On 8/31/2021, the ESC approved the replacement of "people with disabilities" with "disability" in Title 15. For consistency, the ESC should approve this definition as proposed.	A	
8	(a) Definitions.	PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Corrections Standards Authority <u>Board of State and Community Corrections</u> .	S	The Workgroup members replaced all instances of the name "Corrections Standards Authority" with the correct agency name, "Board of State and Community Corrections" and proposed new definitions to provide Title 24 users with clarity.			A	
9	(a) Definitions.	SECURE CUSTODY means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure <u>and</u> /or physically secured to a cuffing rail or other stationary object.	A	The workgroup struck "and/" in favor of "or" for clarity and to ensure that the definition was not interpreted to mean that a minor had to be both physically secure and enclosed in a room for it to be considered secure custody. The word "or" was removed for grammar.	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	
10	(a) Definitions.	SOBERING CELL <u>refers to a protected environment for individuals as referenced in Section 1056</u> , refers to an initial "sobering up" place for arrestees who are sufficiently under the influence of intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.	S	The workgroup shortened the definition to remove unnecessary information and ensure that the sobering cells are intended to protect individuals under the influence of any substances.		BSCC staff recommends deleting the revisions and keeping the regulation as-is.	D	

11	(a) Definitions.	TYPE I FACILITY means a local detention facility used for the detention of persons, for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or those committed sentenced to a city jail as an inmate worker, and or may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.	S	Changes to who may be housed in a Type I facility are proposed to provide clarity as not all individuals are sentenced to city jail as an inmate worker, as the original language might imply. This change is consistent with those proposed in Title 15. The definition of an inmate worker has been moved to create a stand-alone definition.			A	
12	(a) Definitions.	TYPE IV FACILITY means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and or other programs involving inmate access into the community.	S	The term “and/” was deleted in favor of “or” to provide a clear definition which would allow flexibility in the use of programs in Type IV facilities.			A	

(c) Initial planning for a local detention facility.

Approve changes listed below

<p>13</p>	<p>(c) Operational Program Statement. (c)3E - (c)3Y</p>	<p>The operational program statement must include a description of the following:</p> <ul style="list-style-type: none"> A. Intended capacity of facility. B. Security and classification of inmates to be housed. C. Inmate movement within the facility and entry and exit from security areas. D. Food preparation and serving. E. <u>Commissary</u> E.F. Staffing. F.G. Booking. G.H. Visiting and attorney reviews. H.I. Exercise. I.J. Programs. J.K. Medical services, including the management of communicable diseases. K.L. Cleaning and/or laundering. L.M. Inmate segregation <u>separation</u> as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, C.C.R. M.N. Court holding and inmate movement. N.O. Mental health services. O.P. Facilities for jail administration and operations staff. P.Q. Staff to staff communications system. Q.R. Management of disruptive inmates. R.S. Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies. S.T. Architectural treatment of space relative to preventing suicides by inmates. T.U. Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees. U.V. Intended type of facility. V.W. Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to segregate <u>separate</u>. W.X. Safety cell(s) as referenced by Title 15, Section 1055. <p>If minors describe how to enter the security area for processing, <u>and/or</u> secure custody, or housing.</p>	<p>S</p>	<p>Workgroup members discussed the regulation requirement for space to secure commissary stock, noting that some agencies choose to use vendors to stock their commissary items and therefore do not need the space. The group agreed to insert clarifying language that unless an outside vendor is to be used, the area shall be provided.</p> <p>BSCC staff replaced the word “segregation” with “separation” at the request of the Workgroup to provide consistent language throughout these regulations. The word “Segregated” was replaced to ensure that the interpretation of the action of separation is not punitive.</p> <p>There was lengthy discussion regarding the clarity of the regulation language and the lack of reference to other applicable laws, notably the Americans with Disabilities Act. Changes were made to ensure that regulation requirements are clear, grammatically correct, and use current terminology.</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>A</p>	
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		Describe how minors will movement within the <u>secure areas of the facility</u> and entry and exit from security areas be accomplished pursuant to separation requirements of Welfare and Institutions Code Section 208(a) and Section 1144 of these regulations.					
14	(c) Design requirements. 6B	The design of a Type I, Type II, Type III or Type IV <u>local detention</u> facility, shall provide the following:	N	The revision provides a term that is inclusive.			A
15	(c) Design requirements. 6B(2)	(2) Suicide hazards. Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by an inmate. The facility design shall avoid any surfaces, edges, fixtures or fittings that can provide an attachment for self-inflicted injury. The following features shall be incorporated in the design of temporary holding cells, temporary staging cells, sobering cells, safety cells, single occupancy cells and any other area where an inmate(s) may be left alone <u>without direct visual observation</u> :	S	BSCC staff explained the need for clarity on the design requirements for suicide prevention; there have been many occasions where it was unclear if an inmate would be left alone in certain areas. Best practice indicates that the design of any area where an inmate is out of direct visual observation of staff be free of suicide hazards; the workgroup agreed to insert "without direct visual observation" to requirements on suicide hazards.	<p><i>Public comment by Pamila Lew, Senior Attorney, Disability Rights California</i></p> <p>It is also important to ensure that the regulations make clear that physical plant and design features – including those implemented for suicide prevention purposes (e.g., ligature-free components for shower seating, toilet area, and housing areas) – provide adequate physical accessibility for people with disabilities.</p> <p>Rationale: There have been many lawsuits, consent decrees, and settlements in California dealing with correctional facilities' failure to meet ADA standards. A reference to the ADA will help to remind local jurisdictions that they are required to meet the state and federal accessibility standards. This could save local jurisdictions money in the long run in terms of renovations and litigation costs.</p>	<p>BSCC staff recommends that the ESC consider public comment and consider additional revision.</p> <p>Updated reference to ADA has been proposed below.</p>	A

16	(c) Design requirements. 6B(4)	Single- and/or double-occupancy cells. In any local detention system, the number of single and/or double-occupancy cells shall be that number, determined by the facility/system administrator in conjunction with the Board, necessary to safely manage the population of the facility/system based on a comprehensive needs assessment which accounts for those inmates projected to be:	S	Changes were made to ensure that regulation requirements are clear; the word “and/” was struck in favor of “or” in response to the BSCC recommendation.	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	
17		a. administrative segregation - <u>separation</u> cases, b. persons with disabilities, c. custodial problems, and/or d. likely to need individual housing for other specific reasons as determined by the facility/system administration. The total number of single- and/or double-occupancy cells shall not be less than 10 percent of the system’s Corrections Standards Authority <u>Board of State and Community Corrections</u> rated capacity. The local detention facility/ system shall comply with all other design requirements contained in these regulations.	S	BSCC staff replaced the word “segregated” with “separated,” and “Corrections Standards Authority” with the correct agency name at the request of the Workgroup to provide consistent language throughout these regulations. The word “and/” was struck in favor of “or” in response to the BSCC recommendation.			A	
18	(c) Design requirements. 6B(9)c	Spaces for persons with disabilities. a. Spaces within the security perimeter such as day rooms and activity areas shall be located such that persons with disabilities will not be excluded from participating in any program for which he or she would otherwise be eligible. Accessible showers for inmates with disabilities shall be available. b. All spaces of a local detention facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations. c. <u>Facilities shall comply with applicable federal and state disability laws and regulations including Title II of the Americans with Disabilities Act (ADA) and the 2010 ADA Standards for Accessible Design. See 28 C.F.R. Section 35.152; 28 C.F.R. Section 35.151(k).</u>	S	There was lengthy discussion regarding the clarity of the regulation language and the lack of reference to other applicable laws, notably the Americans with Disabilities Act. Changes were made to ensure that regulation requirements are clear and that they reference related state and federal laws.	<i>Public comment by Pamila Lew, Senior Attorney, Disability Rights California</i> ADA Compliance Currently Title 15 does not reference the federal Americans with Disabilities Act (ADA) regulations. Title 24 (design and construction regulations) at Part 1, Section 13-102(c)(6)(B)(9) references “Spaces for persons with disabilities”, requiring day rooms and activity areas to be accessible to people with disabilities, and accessible showers for people with disabilities. Title 24, Part 2 regulations only reference making cells “accessible” to	BSCC staff recommends removing “, but not limited to,” because it is unnecessary extra language that does not further provide clarification of the requirements.	A	

					<p>its occupants. See Title 24, Part, 1231.3.1, 1231.3.2, 1231.3.3. Revision: Create a separate article in Title 15 to reference the ADA program access and ADA Accessibility Guidelines (ADAAG) standards that apply to California correctional facilities. See 28 C.F.R. § 35.152; 28 C.F.R. § 35.151(k), ADA Accessibility Guidelines (ADAAG); see also DOJ Accessible Cell Design Guide. The new article should also reference the ADA provisions that require an ADA coordinator and a grievance system to track and respond to disability issues. See 28 C.F.R. § 35.107; ADA Best Practices Tool Kit for State and Local Governments.</p> <p>Rationale: There have been many lawsuits, consent decrees, and settlements in California dealing with correctional facilities' failure to meet ADA standards. A reference to the ADA will help to remind local jurisdictions that they are required to meet the state and federal accessibility standards. This could save local jurisdictions money in the long run in terms of renovations and litigation costs.</p>			
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19	(c) Design requirements. 6B(12)	Hair care space. Space and suitable equipment must be provided in all Type II or Type III facilities for men's haircutting and/or female hair-dressing.	N	Best practices indicate that removal of gender-specific language is more inclusive than specifying binary terms. Hair-dressing is an outdated term.			A	
20	(c) Design requirements. 6B(14)	A sewage system design capable of addressing items that could potentially impact waste-water systems.	N	This was made to ensure correct grammar.			A	

SECTION 1231 MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES.

1231.1 Definitions.

Approve changes listed below

#	Section	Proposed Revision	Revision Type (S, N, A)	Rationale / Best Practice	ESC Recommendations & Public Comments	Response to Recommendations and Comments	BSCC Rec Action (A, AC, D)	ESC Action (A, AC, D)
1	1231.1 Definitions	Type I facility means a local detention facility used for the detention of persons usually pending arraignment for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safe-keeping or <u>those committed sentenced</u> to a city jail as an inmate worker, and or may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his or her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week.	S	The Workgroup reviewed the definitions and public comment choosing to accept proposed edits to the definition of "Type I Facility" that was proposed by the Title 15 Temporary Holding and Type I Facilities Workgroup. The language pertaining to Inmate Workers became a stand-alone definition in Title 24, Section 13-102(a) Definitions.	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	
2	1231.1 Definitions	OBSERVATION CELL means a cell used for housing <u>an inmate under close observation.</u>	S	The Workgroup reviewed the definitions and heard public comment choosing to propose a new definition for "observation cell" to accompany the newly proposed Section 1231.2.5.1., Observation Cell.		BSCC Recommendation Staff suggest holding this definition for discussion until a decision has been made on the proposed section 1231.2.5.1 Observation Cell.	A	
3	1231.1 Definitions	TYPE IV FACILITY means a local detention facility or portion thereof designated for the housing of inmates eligible, under Penal Code Section 1208, for work/education furlough and or other programs involving inmate access into the community.	S	The term "and/or" was revised to ensure clarity.	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	1231.1 Definitions	RATED CAPACITY means the number of inmate occupants for which a facility's single-and double-occupancy cells or dormitories, except those dedicated for medical or disciplinary isolation housing cell, were planned and designed in conformity to the standards	S	The Workgroup reviewed the choosing to replace an outdated reference, "isolation housing" to a more current term, "cell".		BSCC Recommendation BSCC staff recommends removing the term "cell" and revising the term	A	

		and requirements contained herein and in Title 15, C.C.R.				"disciplinary to "discipline" for correct grammar.		
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SECTION 1231.2 DESIGN CRITERIA FOR REQUIRED SPACES.

1231.2.1 Reception and booking.

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	2.	A holding cell or room for the confinement of inmates pending their booking, complying with Section 1231.2.2.	S	<p>The Workgroup discussed the regulation noting that subsection two (2) needed to further specify that the cells referenced are intended to be holding cells.</p> <p>The National Institute of Corrections' Physical Plant Design and Operations and the American Correctional Association's Planning and Design Guide were considered at national best practices during review of this regulation.</p>			A	
2	3.	A sobering cell as described in Section 1231.2.4 if intoxicated, inmates who may pose a danger to themselves or others are held. Except for Temporary Holding facilities , For those facilities that accept male and female intoxicated inmates, two sobering cells shall be provided.	S	<p>The group also discussed subsection three (3) where two sobering cells are required; members voiced that Temporary Holding facilities may not have female staff available, the space or funds to build sobering cells.</p> <p>The National Institute of Corrections' Physical Plant Design and Operations and the American Correctional Association's Planning and</p>			A	

				Design Guide were considered at national best practices during review of this regulation.				
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1231.2.10 Exercise area.

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>A dedicated exercise area or areas must be provided in every Type II and Type III facility. An outdoor exercise area or areas must be provided in every Type II and Type III facility is preferred however, it may not be practical, due to design space or the environment. Either indoor or outdoor, the exercise area shall accommodate the ability for large muscle activities and create the ability to provide:</u>	S	The Workgroup reviewed the regulation and discussed the ESC's recommendations. Lengthy discussion occurred regarding natural light and outdoor spaces as the group felt strongly that natural light and fresh air must be provided to individuals, and that flexibility regarding the feasibility of outdoor spaces be specified in regulation.	The ESC discussed the definition of "outside" and how the regulations could reference natural light and exposure to the elements and fresh air. The workgroup should:		A	
2	(a)-(h)	<u>(a) Natural light and access to fresh air;</u> <u>(b) Security and supervision appropriate to the level of custody;</u> <u>(c) At least one exercise area of not less than 600 square feet (55.7 m2);</u> <u>(d) The mMinimum clear height must be 15 feet (4572 mm);</u> <u>(e) Lighting to allow for evening activities;</u> <u>(f) Free access to a toilet, wash basin, and drinking fountain as provided in Section 1231.3;</u> <u>(g) Access for inmates individuals with disabilities; and,</u> <u>(h) -and the mMinimum number of square feet of surface area will be computed by multiplying 80 percent of maximum rated population by 50 square feet (4.7 m2) and dividing the result by the number of one-hour exercise periods per day.</u>	S	The Workgroup also considered recent / current litigation in local detention facilities that points to the availability of fresh air for persons housed in those facilities. Additionally, operational Title 15 requirements for exercise and recreation were considered along with the following best practices:	<ul style="list-style-type: none"> Review definitions or illustrations that may be helpful in providing safe spaces and reduce the risk of contracting Valley Fever. Discuss the definition of "outside". Review relevant remediation plans. Public Comment Submitted by ACLU Cal Action via email proposes the addition of these requirements to ensure that all incarcerated people have access to a safe outdoor environment as well as sufficient equipment to exercise.	BSCC Recommendation If the ESC approves of the workgroup-proposed revisions, BSCC staff suggests that the required elements be reorganized according to type (i.e. height and size, lighting, and access requirements). BSCC proposed the following order: (d), (h), (c), (e), (g), (a), (f), and (b)	A	
3	Paragraph 3	The exercise area must contain or provide free access to a toilet, wash basin, and drinking fountain as provided in Section 1231.3	S	Texas State Jail Standards, National Institute of Justice, National PREA Resource Center, National Institute of Corrections, American			A	
4	Paragraph 4	There must be at least one exercise area of not less than 600 square feet (55.7 m2). The design shall facilitate	S				A	

		security and supervision appropriate to the level of custody.		Correctional Association Planning and Design Guide	<p>“An outdoor exercise area or areas must be provided in every Type II and Type III facility. The minimum clear height must be 15 feet (4572 mm) and the minimum number of square feet of surface area will be computed by multiplying 80 percent of maximum rated population by 50 square feet (4.7 m²) and dividing the result by the number of one-hour exercise periods per day.</p> <p>The exercise area must contain or provide free access to a toilet, wash basin, and drinking fountain as provided in Section 1231.3.</p> <p>The exercise area must be equipped with a place for rest, shelter from inclement weather, and exercise equipment.</p> <p>There must be at least one exercise area of not less than 600 square feet (55.7 m²). The design shall facilitate security and supervision appropriate to the level of custody. Type IV facilities shall have an outdoor recreation area or access to community recreation facilities.”</p>			
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1231.2.16 Commissary.

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>In all Type II, III and IV facilities, except where community access is available, there shall be provisions made for inmates to purchase items (such as candy, toilet articles, stationery supplies, books, newspapers and magazines, etc.). Unless an outside vendor is used, an area shall be provided for the secure storage of the stock for such inmate canteen items <u>unless the stock is removed from the facility by an external vendor during times when commissary items are not available for sale.</u></p>	S	<p>Workgroup members discussed the regulation requirement for space to secure commissary stock, noting that some agencies choose to use vendors to stock their commissary items and therefore do not need the space. The group agreed to insert clarifying language that unless an outside vendor is to be used, the area shall be provided.</p>		<p>BSCC recommendation the proposed language of “Unless an outside vendor is used” be removed from this paragraph for clarity and Instead, recommends adding the following language to better address when the secure storage shall be provided for inmate commissary items:</p> <p>“[...] unless the stock is removed from the facility by an external vendor during times when commissary items are not available for sale.”</p>	A	

1231.2.22 Audio monitoring system.

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 court holding, temporary holding, Type I, Type II and Type III facilities there shall be an inmate-actuated or sound-actuated audio monitoring system in temporary holding cells or rooms, temporary staging cells or rooms, sobering cells, safety cells, observation cells , single and double occupancy cells, dormitories, dayrooms, exercise areas, dining rooms and correctional program/multipurpose space, which is capable of alerting personnel who can respond immediately.	S	<p>Workgroup members reviewed the requirements for audio monitoring systems and felt that the language implies facility staff should have the ability to listen in, which isn't the intent. The modifications proposed are for clarity and to ensure that audio monitoring systems are included in dining rooms. BSCC staff has proposed a correction in the first sentence, where "Type II" is listed twice; the second "Type II" should be "Type III".</p> <p>"Observation cells" was added to the list of spaces that require audio monitoring to be consistent with the new proposed regulation 1231.2.5.1. Observation Cell.</p> <p>The workgroup considered and discussed requirements set forth by the Fire and Life Safety Division of the Office of the State Fire Marshal, the National Institute of Corrections Physical Plant Design and Operations, and the American Correctional Association Planning and Design Guide.</p>			A	

1231.3.5 Beds

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	Beds must be elevated off the floor, have a solid bottom or pan with no perforations , and a sleeping surface of at least 30 inches (762 mm) wide and 76 inches (1930 mm) long.	S	The workgroup members discussed the language “solid bottom” which is often interpreted to mean a solid concrete base, but “solid bottom” can also mean a bed pan (used in bunk-style beds) with no perforations.			A	
2	Paragraph 1	Multiple Bunk beds must have a minimum of 21 inches (533 mm) between bed pans. Except in minimum security areas, beds must be securely fastened to the floor or the wall and ensure that there is no space between the bed and the wall to prevent attachment .	S	<p>The workgroup chose to replace the word “multiple” with “bunk” to provide a more specific requirement.</p> <p>Language was added to clarify that there be no space between the bed and wall, to prevent attachment of ligatures.</p> <p>The Workgroup considered the National Institute of Corrections Physical Plant Design and Operations, the American Correctional Association Planning and Design Guide, the Americans with Disabilities Act Guidelines to Accessibility Cell, and the Lindsay Hayes National Study of Jail Suicide and related research, as national best practices on the provision of beds in local detention facilities.</p>			A	

1231.3.10 Seating.

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 and temporary staging cells, seating must be securely fixed to the floor and or wall. When bench seating is used, 18 inches (457 mm) of bench <u>width and no less than 12 inches depth</u> is seating for one person.	S	<p>The Workgroup reviewed the BSCC’s public comment choosing to strike “and/” in favor of “or”.</p> <p>ESC recommendations to specifying the depth of seating were also discussed. The 18 inches specified is for the width of a seat. Other state standards, such as Texas, require a width of 12 inches, but do not specify a depth. Prefabricated detention benches come in a variety of sizes.</p> <p>The Workgroup chose to propose a minimum depth of 12 inches as that seemed to be a common minimum across vendors and existing benches in county facilities.</p> <p>Stools were also discussed but the group concurred that a minimum for stools was not necessary.</p> <p>Workgroup members considered current and best practices of the Florida Sheriff’s Association, Texas Jail Standards, and the ADA Guidelines to Accessibly Cell.</p>	<p>The ESC discussed the comment and issue of appropriate seating for specific spaces. The Workgroup should consider:</p> <ul style="list-style-type: none"> • Width of seating. The length of seating required is defined in regulation, but the width of seating is not. • Review the available seating language in Section 1231.3.10. <p>BSCC staff recommends the term “and/or” (highlighted in yellow above) be revised to ensure regulation requirements can be reasonably and logically interpreted as having only one meaning.</p>		A	