

Proposed Amendments to Titles 15/24 Regulations

Title 15, Section 1006. Definitions

[...]

“In-person visit” means an on-site visit that may include barriers. In-person visits include interactions in which an inmate has physical contact with a visitor, the inmate is able to see a visitor through a barrier, or the inmate is otherwise in a room with a visitor without physical contact. “In-person visit” does not include an interaction between an inmate and a visitor through the use of an on-site two-way audio/video terminal.

“Video visitation” means interaction between an inmate and a member of the public through the means of an audio-visual communication device when the member of the public is located at a local detention facility or at a remote location.

Title 15, Section 1062 – Visiting

(a) The facility administrator shall develop written policies and procedures for inmate visiting which shall provide for as many in-person visits and visitors as facility schedules, space, and number of personnel will allow. For sentenced inmates in Type I facilities and all inmates in Type II facilities there shall be allowed no fewer than two visits totaling at least one hour per inmate each week. In Type III and Type IV facilities there shall be allowed one or more visits, totaling at least one hour, per week.

(b) In Type I facilities, the facility administrator shall develop and implement written 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 either in-person or video visitation. If remote or off-site video visitation is available, the first hour must be provided free of charge.

(f) Subdivision (d) shall not apply to facilities which, prior to February 16, 2017, (1) exclusively used video visitation or (2) were designed without in-person visitation space and for which initial architectural planning had been submitted to the Board.

§1231.2.18 (Title 24) – Visiting Space

Space shall be provided in all Types I, II, III and IV facilities for in-person visiting.¹

Attachment G-1

¹ Section 13-102(b) of Title 24 of the California Code of Regulations grandfathers in building requirements for cities, counties, or a city and county that has submitted a letter of intent to the BSCC. (As part of the RFP process for AB 900, SB 1022, SB 863, or SB 844, the RFP response serves as the letter of intent.) Section 13-102(b) provides:

Title 24 of the California Code of Regulations, Sections 13-102 and 2-1013 which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the Board for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the Board in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least-restrictive regulation shall apply