

**BOARD OF STATE AND COMMUNITY CORRECTIONS
MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 4**

INITIAL STATEMENT OF REASONS

California Penal Code section 6030 establishes the minimum standards for local correctional facilities. It also authorizes the Board of State and Community Corrections to review those standards biennially and make any appropriate revisions.

ARTICLE 1. GENERAL INSTRUCTIONS

§ 1006. Definitions.

Section 1006 defines terms used throughout these regulations. It was necessary to modify several of the following definitions or to propose new definitions in order to provide much-needed clarity and consistency in the operation of local adult facilities throughout the diverse State of California. There are no anticipated operational or fiscal impacts due to these changes.

The definition of “**Administrative segregation**” is outdated, and the definition incorrectly suggests that the act of separation is punitive. The term was amended to ensure that the intent of administrative separation is not punitive but rather for the safety and security of incarcerated persons and staff. Amendments include replacing the word “segregation” with “separation” and “inmates” with “incarcerated persons” for consistency with language used throughout these regulations.

The definition of “**Average daily population**” has been amended to replace the word “inmates” with “incarcerated persons.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The term “**Clean**” is proposed to provide clarity and ensure that the condition of clean is defined for clothing, bedding, linen, undergarments, and mattresses as described throughout Articles 13 and 14.

The definition of “**Contact**” has been amended by changing references of “adult inmates” to “incarcerated adults.” This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Custodial personnel**” has been amended to replace the word “inmates” with “incarcerated persons”. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Developmentally disabled**” has been amended to provide clarity by removing and replacing outdated language used to define the term. The term “mental

retardation” has been removed and replaced with the current and acceptable terminology, “cognitive and intellectual disabilities.”

The definition of “**Direct visual observation**” has been amended to replace the word “inmate” with “incarcerated person” and “his/her” with “their”. This change ensures that the language in these regulations is contemporary, people-centered, gender neutral, and consistent throughout.

The term “**Disability**” has been proposed to replace the original definition of “people with disabilities” to ensure the definition describes the condition of being disabled and not a person who is disabled. This proposed change aligns with the Americans with Disabilities Act terms and definitions.

The definition for “**Disciplinary separation**” has been amended by removing reference to “punishment” and replacing “an inmate” with “a person”. Amendments ensure outdated, punitive, and gender-specific terms are not used and that language is consistent throughout.

The definition of “**Exercise**” has been revised to add clarity to the act of exercise in local detention facilities and to remove references to large muscle groups as exercise may be defined as more than one form of movement.

The definition of “**Facility watch commander**” has been amended to replace the term “his/her” with “their” to ensure that language throughout these regulations is gender-neutral and consistent.

The terms “**Gender expression**” and “**Gender identity**” have been proposed to clarify gender-related terminology used in sections 1050 and 1260 of these regulations; the proposed terms align with best practices for gender equity.

The definition of “**In-person visit**” has been amended to replace the terms “inmate” and “the inmate” with “incarcerated person”. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Living areas**” has been amended to replace the word “inmates” with “incarcerated persons”. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Local detention system**” has been revised by adding a comma in front of the word “county” for correct grammar.

The definition of “**Lockup**” has been amended by replacing the terms “prisoner” and “inmate” with “persons” and “incarcerated”. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Medical detoxification**” has been amended by removing unnecessary information and simplifying the description so that it may be more clearly understood. The term “licensed medical provider” has replaced “physician” because not all facilities have a physician readily available; it is common practice for licensed medical providers to care for incarcerated persons’ medical needs.

The term “**Non-sentenced inmate**” has been amended by removing the word “inmate,” and replacing the word “inmate” with “incarcerated person” in the definition. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Out of cell time**” has been proposed to describe a term that replaces “exercise and recreation” in Section 1065 of these regulations.

The term “**People with disabilities**” has been removed and replaced with the term “Disability” which is a term that aligns with the definition in the American Disabilities Act and more accurately describes the condition of being disabled.

The definition of “**Rated capacity**” has been amended by replacing the term “inmate” with “incarcerated”. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Recreation**” is proposed to add clarity to a term used throughout these regulations, but more specifically in section 1065. This new definition will ensure that the requirements for recreation are understood and applied properly.

The definition of “**Responsible health care staff**” has been amended by inserting a comma for proper punctuation, removing “and/or” to ensure clarity in the requirements for responsible health care staff, and replacing “his or her” with “their” for consistency with other, gender neutral, changes proposed throughout these regulations.

The definition of “**Safety checks**” has been amended by replacing the term “inmates” with “incarcerated people”. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The definition of “**Secure custody**” has been amended by removing the word “or” before “enclosure,” the word “and/” from the phrase “and/or,” and inserting commas for proper punctuation. The amendments correct grammar and clarify the description of a secure environment; a cuffing rail does not need to be inside a locked room or enclosure to be a method of secure custody.

The term “**Sentenced inmate**” has been amended to remove the word “inmate.” The definition has been amended to replace “an inmate” with “a person,” replace “is” with “has been,” and replace “on all local charges” with “committed to custody in a local detention facility.” The proposed changes ensure that language in these regulations is contemporary, people-centered, uses proper grammar, and is consistent throughout.

Changes regarding local charges were made because not all incarcerated people in local detention facilities are held on local charges.

The term “**Serviceable**” is proposed to provide definition of the term as it relates to its use in section 1270 of these regulations. A “serviceable” mattress is intended to mean a mattress that lacks holes or tears and have sufficient padding. This definition will ensure that regulated facilities are providing mattresses in the proper, “serviceable” condition and that no incarcerated person receives a mattress with holes, tears, or lacking padding.

The definition of “**Sobering cell**” has been amended to replace “arrestees” with “people”. This change ensures that the language in these regulations is contemporary, people-centered, and consistent throughout.

The term “**Trauma**” is proposed to address the current lack of definition for a word used in these regulations. The addition of the term defines an experience that may cause lasting adverse effects to a person’s physical, social, emotional, cognitive, or spiritual well-being, and is important to the consideration of trauma-informed approaches.

The definition of “**Type I facility**” has been amended by updating the phrase “sentenced to a city jail as an inmate worker, and [...]” to “those committed to a city jail, or [...]” as it adds clarity to who may be housed in a Type I facility; persons who are sentenced to a city jail are not always inmate workers as the original language might imply. Further amendments were made to ensure that the language in these regulations is contemporary, people-centered, gender neutral, and consistent throughout by replacing the word “inmate” with “person incarcerated” and “incarcerated” and replacing “his/her” with “their”. In the final sentence, “five day” was replaced with “five-day” for grammar.

The definition of “**Type IV facility**” has been amended by removing “the” and “of inmates eligible,” removing “and/” from “and/or other programs [...],” and removing “inmates”. These amendments provide a clear definition that will allow flexibility in types of programs in Type IV facilities and ensure that the language is contemporary, people-centered, and consistent throughout.

§ 1007. Pilot Projects.

Section 1007 outlines the requirements for local detention facilities who wish to conduct pilot programs.

This section has been amended to replace the term “inmates” with “incarcerated persons” in subsection (d)(3), remove the word “inmate” in subsection (d)(4), and replaced “and inmates” with “incarcerated people and” in subsection (h). These changes are necessary to ensure language throughout these regulations is contemporary, people-centered, consistent, and grammatically correct.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1008. Alternate Means of Compliance.

Section 1008 outlines the requirements and steps for local detention facilities to seek compliance using alternate means.

This section has been amended to replace the term “inmates” with “incarcerated persons” in subsection (c)(3), remove the word “inmate” in subsection (c)(4), correct spelling of the word “timeline” in subsection (f), replace “and inmates” with “incarcerated people and” in subsection (g), and insert a comma after the word “time” in the fourth paragraph. These changes are necessary to ensure language throughout these regulations is contemporary, people-centered, consistent, and free of grammar and spelling errors.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 2. INSPECTION AND APPLICATION OF STANDARDS.

§ 1010. Applicability of Standards.

Section 1010 provides a list of the applicable regulations for each specific type of local detention facility.

The regulation titles referenced in subsections (b)(2), (14)-(16), (18); (d)(2), (14)-(16), (18); and, (e)(4)-(6), have been amended to match the title of those sections, which are proposed to change. These amendments have been made for clarity and consistency with sections 1018, 1052, 1053, 1057, 1058.5, 1080, and 1081, of these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1012. Emergency Suspensions of Standards or Requirements.

Section 1012 provides requirements for suspending standards in emergency situations.

The regulation was amended by replacing “its inmates” with “incarcerated people,” and removing the word “or”. These changes are necessary to ensure language throughout these regulations is contemporary, people-centered, consistent, and free of grammar errors.

There are no anticipated operational or fiscal impacts due to this change.

§ 1018. Appeal.

Section 1018 outlines the appeal hearing process for local detention facilities that disagree with a BSCC decision on compliance.

The title of this section has been amended to “Local Detention Facility Appeal Process”. The change provides clarity that the process of appeal only applies to local detention facilities; a member of the public or any other entity may not use the outlined appeal process.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 3. TRAINING, PERSONNEL AND MANAGEMENT

§ 1024. Court Holding and Temporary Holding Facility Training.

Section 1024 outlines the training requirements for personnel who supervise incarcerated persons in court holding facilities or temporary holding facilities.

This section has been amended by rephrasing the requirements outlined in the first paragraph to reduce confusion and clarify the intended expectation that all personnel who are supervising incarcerated persons are receiving the minimum 8 hours of specialized training. Further amendments were made to subsection (c) to ensure consistency with other changes proposed in these regulations which replaced the word “segregation” with “separation”. Subsections (f) through (i) are proposed to ensure that all staff who supervise incarcerated persons are trained on the basic and necessary topics which are important to the safety, security, and wellbeing of incarcerated persons, and facility staff.

Additional amendments include replacing the terms “inmate” and “inmates” with references to incarcerated person(s) to ensure the language throughout these regulations is contemporary, people-centered and consistent. Changes were also made throughout the section to ensure the regulation language is free of grammatic error.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1027 Number of Personnel.

Section 1027 requires that a sufficient number of employees and personnel to be available and accessible by incarcerated people housed in local detention facilities.

This section has been amended to replace the term “inmate” and “inmates” with references to incarcerated person(s) or people to ensure the language throughout these regulations is contemporary, people-centered and consistent. Additional amendment includes replacing the term “female inmates” with the word “females” for the same rationale and consistency with other changes proposed throughout the regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1027.5 Safety Checks.

Section 1027.5 outlines the frequency requirement for safety checks of incarcerated persons and requirements for the facility to have a written documentation for routine safety checks.

This section has been amended by adding a newly proposed provision before the first paragraph to require the facility administrator to develop and implement written policy and procedures since the prior language did not specifically require it. Although it is implied that policies be developed and implemented, this revision will ensure understanding of this requirement.

Further amendments include adding new language “will determine the safety and well-being of individuals and [...],” replacing the term “inmates” with “people held and housed in the facility,” and additional safety checks provisions in subsections (b) through (e). These changes, which align with current and best practices, are necessary for accountability of all facility personnel and for the safety and security of incarcerated persons, and facility staff. The addition of requirements related to documentation of all safety checks will ensure that each safety check is documented consistently across all spaces in a facility and consistently across all facilities in the state. Amendments to the regulation also require that facilities implement a documented process for supervisors to review completed safety checks; this will ensure that facility administrators hold staff accountable for adequate timely checks.

Changes related the replacement of “inmate” ensure the language throughout these regulations is consistent and centers on people.

There are no anticipated fiscal impacts due to these changes. Operationally, facilities will need to update their policy and procedures manual and create a defined schedule of safety check review, which is already a common practice at many facilities.

§ 1028. Fire and Life Safety Staff.

Section 1028 references the requirements in Penal Code Section 6030(c) for facilities to make sure personnel on duty are trained in fire and life safety procedures.

This section has been amended to replace the phrase “an inmate” with “a person” to ensure the language throughout these regulations is contemporary, people-centered, and consistent.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1029. Policy and Procedures Manual.

Section 1029 outlines the requirements for facilities administrator(s) to develop and publish a manual of policy and procedures for the facility.

Governor Gavin Newsom signed Assembly Bill 1196 on September 30, 2020, which prohibits law enforcement agencies from authorizing the use of a carotid restraint or a choke hold. This section has been amended by incorporating language prohibiting carotid holds in accordance with statute. The term “inmates” has been replaced with references to “persons” or “people” throughout the section, removing the outdated reference to Penal Code sections 849(b)(2) and 853.6 in subsection (a)(5), replacing the term “segregation” with “separation” in subsection (a)(9), and proposing new provision in subsection (a)(12) to require a release policy that includes release planning. These changes are necessary to ensure that facility policy and procedure manuals comply with the current state and federal legal requirements, references to related codes are current, release planning is considered and addressed as requested, and that the language in these regulations is aligned with best practices, people-centered, and consistent throughout.

Additional change has been made in subsection (e)(2) by removing the hyphen in “third-parties” for grammar.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1030. Suicide Prevention Program.

Section 1030 outlines the requirements for facilities to have a suicide prevention program in place. National Commission on Correctional Health Care standards, which are considered national best practices, were reviewed and referred to when revising this regulation.

This section has been amended to add the phrase “or designee” in the first paragraph for flexibility which will allow facilities to be compliant with the regulatory requirement when the facility administrator delegates the responsibility to develop written suicide prevention programs. The term “inmate” was replaced with “incarcerated persons”, and a reference to national best practice added to the first paragraph to ensure facilities consider following best practices in developing a comprehensive suicide prevention program.

Subsection (a) has been amended to clarify and require that all custodial personnel receive training annually to ensure that the proper responsible staff members are being trained at regular and reoccurring intervals.

Additional proposed requirements have been added to subsection (c), (d), (e), (i), (j) and (k) for handling additional screening in special situations, follow-up care, ensuring court staff are included in important communications, prioritizing the least restrictive environment, planning for more in-depth corrective action plans to identify deficiencies, and plan for mental health consultation following court appearances. These changes ensure that persons at risk of suicide are receiving necessary screenings and considerations in housing and classification changes, that all staff that may have custody of the incarcerated person are included in communications, that incarcerated persons at risk are placed in the safest but least restrictive environments possible, deficiencies are

identified through corrective action planning, and that there are plans in place to address and consider the mental health of the person after they have appeared in court. These changes align with current and best practices already used in many facilities, and are necessary to ensure the proposed requirements are more prescriptive and performance-based so each county can develop programs specific to their own individual operations.

There are no anticipated fiscal impacts, facilities will need to update their policy and procedures manual to meet the standards.

§ 1032. Fire Suppression Preplanning.

Section 1031 outlines the requirements for the facility administrator to consult with the local fire department, with the State Fire Marshal, or both, to develop a fire suppression plan.

This section has been amended by modifying the language in subsection (b) to clarify that monthly fire prevention inspections are required removing the phrase “monthly basis,” inserting a hyphen in “two year,” and replacing the term “inmates” with “incarcerated people.” These changes are necessary to ensure that facilities are receiving important fire prevention inspections more consistently where issues may be identified and addressed more quickly, and that the timeframe for those inspections is consistent for every facility in the state. Proposed changes also ensure the language throughout these regulations is consistent, people-centered, and grammatically correct.

There are no anticipated operational or fiscal impacts due to this change.

ARTICLE 4. RECORDS AND PUBLIC INFORMATION

§ 1040. Population Accounting.

Section 1040 outlines the requirement for local detention facilities to maintain a demographic system to track information related to incarcerated persons.

This section has been amended by removing and replacing the term “inmates” with “people,” replacing reference to “categories of male, female” with the term “gender,” and inserting the word “status” after “juvenile” for clarity. These changes ensure the requirements are clear and that language throughout these regulations is contemporary, people-centered, gender neutral, and consistent with best practices and other changes proposed.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1041. Inmate Records.

Section 1041 outlines the requirements for the collecting and maintaining of individual records and data.

This section has been amended to replace the terms “inmate” with “for each incarcerated person,” and “inmates” with “incarcerated people” to ensure the language throughout these regulations is contemporary, people-centered, and consistent.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1044. Incident Reports.

Section 1044 requires each facility to have policies and procedures for the record and reporting of incidents.

This section has been amended to replace the term “inmate” with “incarcerated person” and remove “his/her” from the last sentence to ensure the language throughout these regulations does not contain ambiguous terms, is contemporary, people-centered, gender neutral and consistent.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1045. Public Information Plan.

Section 1046 outlines requirements and the applicable sections related to the dissemination of information to the public.

This section has been amended by replacing the regulation section titles referenced in subsection (b)(2) through (b)(16) to ensure that requirements and references are clear, correct, and consistent with other proposed changes throughout these regulations. Additional amendments include replacing the term “inmates” with “incarcerated persons” and “incarcerated people” to ensure that the regulation language is contemporary, people-centered, gender neutral and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1046. Death In Custody.

Section 1046 outlines the required actions that must be taken when an in-custody death occurs.

This section has been amended by inserting “at a minimum” in the first sentence to ensure the listed individuals on the review team participate in the review of death in custody, and also to ensure accountability and a minimum level of participation.

Additional amendments include replacing “and/or the facility manager” with “or designee” for more clarification in describing the requirement that not both are needed and it is up to the agency to determine what additional participants may be necessary in the review process.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 5. CLASSIFICATION AND SEGREGATION

This article's title has been amended by replacing the term "segregation" with "separation" to ensure that the intent of the regulations is not interpreted as punitive and consistency throughout.

There are no anticipated operational or fiscal impacts due to this change.

§ 1050. Classification Plan.

Section 1050 outlines the responsibility of each administrator to develop and implement a written classification plan that assists in properly assigning housing and activities suitable to an incarcerated person's needs.

This section has been amended by replacing the terms "inmate" and "inmates" throughout with references to "incarcerated person(s)" or "people", as well as grammatic changes where required. Additional amendments replace the term "sex" with "gender identity," replace the words "his," and "his or her" with "their"; and replace the term "segregation" with "separation." These described changes ensure the language throughout these regulations is contemporary, people-centered, gender neutral, non-punitive, and consistent.

Further amendments include removing the language that allows "[a]n inmate who has been sentenced to more than 60 days" to request a review of their classification plan. The 60-day requirement was removed because it was found to be obsolete; many facilities conduct more frequent reviews. In subsection (b), "and housed" has been inserted to specify the distinction between people who are held and housed as they are not the same form of detention. These proposed changes remove unnecessary requirements and provide clarification in the language throughout these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1051. Communicable Diseases.

Section 1051 outlines the requirements for written policies and procedures on communicable disease identification and response.

This section has been amended to replace the phrase "segregation of an inmate" with "medical isolation [of an] incarcerated person," "whether or not he/she" with "whether the person," and "booking form and/or screening device" with "medical screening form."

These changes are necessary to ensure the language is contemporary, people-centered, clear and consistent with other proposed changes throughout these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1052. Mentally Disordered Inmates.

Section 1052 outlines the requirement for policies and procedures on the identification and evaluation of mentally disordered inmates.

This section has been amended by replacing the section title, “Mentally Disordered Inmates” with “Behavioral Crisis Identification” because it is a more people-centered and clear way of wording the issue described in the regulation.

The body of the regulation was amended by inserting “incarcerated people who may be in behavioral crisis,” replacing phrases “mentally disordered” with reference to behavioral crisis throughout, the terms “he/she” with “they” and “themselves,” replacing the term “segregation” with “separation,” and the term “inmate” with references to “person”. These changes have been made to ensure the language throughout these regulations is contemporary, people-centered, and consistent with other proposed changes.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1053. Administrative Segregation.

Section 1053 outlines the requirement for separating a person for administrative purposes, as opposed to punitive or disciplinary reasons.

The title of the section has been amended to replace the term “Segregation” with “Separation” to ensure that the intended use of this section is interpreted as non-punitive separation. The replacement of “segregation” has been applied throughout this section and these regulations for consistency.

The body of the regulation has been completely reorganized into subsections and reworded in some areas for ease of reading and clarity. Requirements remain the same, except in Subsection (b) where provision has been made that separation must not adversely affect a person’s health. This change is necessary to ensure that incarcerated persons are not placed, or continued to be held, in administrative separation if it would be a detriment to their overall health. Subsections (d) and (e) have also been proposed to ensure that information necessitating the use of administrative separation is documented and that separation only occurs as a means of protecting the welfare of incarcerated people and staff, aligning with best practices to promote accountability and transparency in local detention facilities, subsection (e) is proposed to ensure that individualized reviews and evaluations are occurring, and that they are documented and necessitate the continuance of administrative separation placements.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1054. Administrative Removal-Type IV Facility.

Section 1054 requires facility administrator to develop written policies and procedures on the administrative removal of inmates housed in Type IV facilities.

This section has been amended by correcting the spelling of “well being” by inserting a hyphen. Further amendments were made by replacing the terms “inmate” with reference to “incarcerated person” and “person,” and removing the word “and/” from “and/or”. These changes are necessary to ensure proper grammar, clarity in the language throughout these regulations, and that the language throughout is people-centered, and consistent with other proposed changes.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1055. Use Of Safety Cell.

Section 1055 outlines the safe and proper use of safety cells in local detention facilities.

This section has been heavily amended by restructuring the regulation from paragraphs to lettered subsections for ease of reading and clarity of requirements.

Further amendments include additional requirements that medical assessments now in subsection (c) be completed “as soon as possible, but not more than” 12 hours “from the time of” placement; and that there be a “referral to advanced treatment, or removal from the safety cell a minimum of” every 24 hours. These changes more strongly indicate the importance of medical assessments being completed as soon as possible within the existing 12-hour timeframe so that issues can be addressed and to ensure that the person receives more advanced forms of treatment or removal from the cell necessary.

Additional amendments were made to subsections (d), (e), and (g) to more strongly indicate that mental health opinions/consultations be obtained as soon as possible during the existing 12-hour timeframe; and, that safety checks are completed more consistently during the required twice-every-30-minutes timeframe by adding that no more than 15-minutes lapse between checks.

Throughout the section, the terms “inmates” and “inmate” were replaced with reference to incarcerated person/people. These changes are necessary to ensure the requirements in this section are simplified, more clearly understood, align with best practices, and that the language throughout these regulations is people-centered, free of grammar errors, and consistent with other proposed changes.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1056. Use Of Sobering Cell.

Section 1056 outlines the requirements for the safe and proper use of sobering cells in local detention facilities.

This section has been amended throughout by replacing terms and phrases referencing “inmate” or “inmates” with reference to person(s) or incarcerated people, removing unnecessary information and clarifying the requirements so that they may be more clearly understood.

The first sentence has been amended to specify that sobering cells only be used for “temporary” holding of “incarcerated people,” and removing a provision that could allow facility administrators to establish policies to place non-intoxicated people in sobering cells. These changes are necessary to ensure that sobering cells are not chosen as extended confinement, and only used for placements of persons who are intoxicated or unable to safely care for themselves.

The second sentence has been modified to read “[a] person shall be removed from the sobering cell as soon as they are able to continue the admission process or are no longer a risk to themselves or others” to ensure that facility staff understand the sobering cells may only be used for temporary confinement, and that use of the cell should be discontinued as soon as possible.

Further amendments were made in the third sentence to clean up unnecessarily repetitive language and ensure that staff provide important protections for people held in sobering cells by reiterating the importance of medical evaluation when there is an urgent medical problem.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1057. Developmentally Disabled Inmates.

Section 1057 outlines the requirements of the facility to identify and evaluate incarcerated people for developmental disabilities.

The title of this section has been amended to “Developmental Disabilities” to focus on the conditions of having such disabilities, rather than labeling people housed in local detention facilities as disabled. The same type of changes has been made in the body of the regulation for clarity and consistency with other changes proposed throughout these regulations.

This section has also been amended by replacing the terms “inmate” and “inmates” with references to incarcerated person and persons, and “removing “and/” in “diagnosis and/or treatment within 24 hours.” These changes are necessary to ensure the language throughout these regulations is clear and unambiguous, people-centered, consistent with other proposed changes and grammatically correct.

There are no anticipated operational or fiscal impacts due to this change.

§ 1058. Use Of Restraint Devices.

Section 1058 outlines the requirements of facilities to develop written policies and procedures for the use of restraint devices.

This section has been heavily amended by inserting several new requirements, replacing the terms “inmate” or “inmates” with references to “incarcerated person” or “incarcerated people” throughout, and reorganizing the regulation into subsections. These changes are necessary to ensure that the requirements can be more clearly understood and that the language throughout these regulations provides clarity, aligns with best practices, is people-centered, grammatically correct and consistent with other proposed changes.

The first paragraph has been amended by inserting a requirement that policy and procedures be implemented; this change is to specify that policies and procedures are not just developed by physicians but are used in the facilities. Language explaining what constitutes restraint devices has been moved from the original third paragraph into the first paragraph for clarity. Reference to “[t]he facility manager” was inserted to specify who may delegate authority, and the phrase “in addition to the areas specifically outlined in this regulation, at a minimum,” has been removed because that information was unnecessary after the remainder of the sentence became subsection (a).

New subsection (b) was inserted to provide further information on what is required in policy, based on the list of requirements found in (b)(1) through (b)(11).

Language regarding verbal de-escalation techniques has been added in subsection (b)(3) to ensure the facilities are held accountable when considering less dangerous, less restrictive alternatives before resorting to the use of restraints devices. This is also aligned with current best practices to consider restraint devices as last resorts. Other changes made to subsection (b)(3) are to for readability and grammar.

The word “or” has been added in subsection (b)(4) to allow for flexibility in meeting the regulatory requirements since not all agencies have a designated watch commander.

Subsection (b)(5) has been inserted to require facilities to maintain direct visual observation until a medical opinion can be obtained to ensure the safety of incarcerated persons placed in restraint devices.

Additional provision in subsection (b)(8) has been proposed to reflect best practices and will require the facilities to conduct and document visual checks twice every thirty minutes to ensure the safety and welfare of the incarcerated person. This is added as a safety measure to prevent a person from self-harm, being a danger to others and even suicide risk until medical staff can make an assessment about continued retention in restraints.

Subsection (b)(10) proposes languages recommended by the Board’s Executive Steering Committee, which includes requirements that facilities not use restraint devices

exceeding the manufacturer's recommended maximum time limits for placement. This section was proposed with the intent to minimize safety issues caused by inadequate, prolonged use of restraint devices.

In subsection (b)(11), a new provision has been proposed to require facilities to document an incident where restraint devices are used, in detail, unless exigent circumstances prevent the facilities from documenting the required information. This additional proposed requirement will align with the intent of the regulations to standardize transparency and accountability in the process.

These changes are necessary to ensure that the requirements can be more clearly understood and that the language throughout these regulations provides clarity, aligns with best practices, is people-centered, grammatically correct and consistent with other proposed changes.

There are no anticipated operational or fiscal impacts due to these changes. However, facilities will need to update their policies and procedures to meet the standards.

§ 1058.5. Restraints and Pregnant Inmates.

Section 1058.5 outlines the requirements for the facility administrator to develop written policies and procedures for the use of restraint devices on pregnant persons.

The terms "inmate" and "inmates" have been replaced with references to people or persons in the title and throughout this section. This section has also been amended by proposing the phrases "or termination of the pregnancy" throughout to include in the list of situations in which persons cannot be restrained according to the regulation, replacing "irons" and "waist chains" with "or waist restraints" in subsection (1) to reflect best practices of using the least restrictive means possible on pregnant persons, and replacing the word "she" with "they."

These changes are necessary to ensure the health and safety of pregnant persons, persons in recovery after delivery or following termination of pregnancy and that the least restrictive options are used. Changes to terminology also ensure the language throughout these regulations is contemporary, people-centered, gender neutral, consistent with other proposed changes while remaining consistent with Penal Code section 3407.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1059. DNA Collection, Use of Force.

Section 1059 outlines the procedures and limitation on use of reasonable force when collection of biological samples is taken from individuals who are required to provide them.

This section has been amended to add, in subsection (b), the phrase “or designee” after “watch commander” to allow for flexibility in meeting the regulation requirement since not all agencies use the term or positions of “watch commander.” This change is necessary to ensure that requirements are clearly defined, consistent with other proposed changes throughout these regulations, and may be met by all facilities across the state regardless of the position titles used.

There are no anticipated operational or fiscal impacts due to this change.

ARTICLE 6. INMATE PROGRAMS AND SERVICES

The term “inmate” has been removed from the title to ensure the language throughout these regulations is contemporary, people-centered, and consistent.

There are no anticipated operational or fiscal impacts due to this change.

§ 1061. Inmate Education Plan.

Section 1061 outlines the requirements for the facility administrator of any Type of II or III facility to develop an education plan for incarcerated people.

The term “inmate” has been removed from the title of this section. This section has been further amended by replacing the terms “inmate” and “inmates” with references to incarcerated persons or people, removing “and/” from “and/or,” and inserting the phrase “or both.”

Additional amendment includes replacing the language that speaks to excluding/removing an incarcerated person from education programs with new language that ensures facilities have the choice to offer modified academic or vocational opportunities that work for each facility.

These changes are necessary to ensure that the requirements are flexible, education is more accessible, the requirements are more clearly understood, and the language throughout these regulations is contemporary, people-centered, and consistent with other proposed changes.

There are no anticipated fiscal impacts; however, there may be minimal operational impacts due to these changes as facilities determine modifications to academic or vocational opportunities.

§ 1062. Visiting.

Section 1062 outlines the requirements for the facility administrator to develop written policies and procedures for visitation.

This section has been heavily amended to remove unnecessary information and simplify the requirements throughout. Amendments include moving the requirement for the facility administrator to develop written policies and procedures, out of subsection (a) and into its own paragraph at the beginning of this section for clarity and readability; subsection (a) was further amended to specify that visiting at facilities is a “program”. Subsection (a)(2) proposes that facility visiting hours be posted publicly and that visiting hours be made available on weekends, evenings, or holidays if practicable. This amendment addresses the issue of transparency by making information accessible to everyone and allows greater flexibility for every facility to provide extra visiting hours that reasonably accommodate visitors when available resources allow.

A new provision in subsection (b) has been proposed to require a documented process, reviewed by management, for canceled visiting opportunities and restricts cancellations to only legitimate operational or safety and security-related reasons. These changes are necessary to ensure the regulation aligns with the intent to improve transparency and oversight of visiting procedures. Changes also ensure that visits are not arbitrarily canceled; when cancellations must occur, reasons are documented and regularly reviewed to ensure legitimate reasons.

Other changes made throughout the section include replacing references to “inmates” or “inmate” with references to incarcerated people or persons to ensure that the language throughout these regulations is contemporary, people-centered, and consistent with other proposed changes.

There is no anticipated fiscal impact, there may be a minimal operational impact due to the requirement that cancellations be documented and reviewed.

§ 1063. Correspondence.

Section 1063 outlines the requirements for written correspondence in local detention facilities.

This section has been amended to propose, in the first paragraph, “Except in Temporary Holding and Court Holding facilities,” replace the terms “inmate” and “inmates” with reference to incarcerated person(s), increase the number of postage paid envelopes from “two” to “four” and sheets of paper from “two” to “eight” each week for incarcerated persons without funds, and replace the phrase “his/her” with the word “their.” These changes are necessary to ensure clarity to which facilities these requirements apply to, ensure that persons without funds can correspond more freely with family and friends, and that language throughout these regulations is people-centered, gender neutral, consistent with best practices and other proposed changes. The removal of temporary holding and court holding facilities specifies that correspondence is not required because people do not stay in these types of facilities for longer than 24 hours.

There are no anticipated operational impacts however there may be minimal fiscal impacts due to these changes.

§ 1064. Library Service.

Section 1064 outlines the requirements for the facility administrator to have written policies and procedures for access to library services.

This section has been amended to clarify that library service shall include access to the listed sources via paper documents or through electronic media, and in addition, legal reference material must be made available regardless of means of access used at the facility. This amendment is necessary to provide flexibility to agencies to use methods that are most appropriate. The addition of electronic media is consistent with how current technology is used to access information.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1065. Exercise and Recreation.

Section 1065 outlines the requirements for the facility administrator of a Type II or III facility to develop written policies and procedures for exercise and recreation.

The title of this section has been amended from “Exercise and Recreation” to “Exercise and Out of Cell Time” to address the need to separate and redefine time for exercise and recreation, and to specify that such time provided shall be outside of a person’s cell.

Consistent with the amendment in the title, the term “recreation” has been removed from “recreation program” and the word “exercise” replaced “recreation” in the same sentence in the new subsection (a)(1). This section has also been amended to propose a new provision in subsection (a)(2) to require certain amount of time for recreation incarcerated persons, “a recreation program, which will allow an opportunity for seven hours of out of cell time distributed over a period of seven days.” The change is to ensure that individuals receive an adequate amount of time, outside of cells or sleeping areas.

Additional amendments include proposing reasonable and necessary procedures to ensure safety and security, removing “and/” in Section (b) with “or both,” and replacing the “inmates” with “incarcerated people.” These changes are necessary to ensure clarity in the requirements and the language throughout these regulations is consistent, people-centered and aligns with best practices.

There is no anticipated fiscal impact, there may be a minimal impact on operations due to these changes.

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

Section 1065 outlines the requirements for the facility administrator to develop written policies and procedures to provide current news sources to incarcerated people.

This section has been amended to replace the terms “inmates” and “inmate” with references to incarcerated person(s), replace the “his/her” with the word “their” in subsection (a)(4), and propose new provision in subsection (a), “[t]he facility administrator shall develop and implement a written plan [...] interested people.” These changes are necessary to ensure requirements are more clearly understood, that non-English readers and those who need reasonable accommodations have alternatives available to them, and that the language is consistent, people-centered, gender neutral throughout these regulations.

Additional amendments have been made in subsection (b) to replace “daily” with “current” newspapers, “in general circulation” with “or other like source” and non-English language “publication” with “alternative.” The current regulation does not consider that many news sources have discontinued print news and may only have alternative sources available. These additional amendments add clarity in the language and allow agencies greater flexibility in how to deliver current news to the population.

The majority of facilities already provide non-English and accessible alternatives, the anticipated operational and fiscal impacts are minimal.

§ 1067. Access to Telephone.

Section 1067 outlines the requirements for access to telephones for persons incarcerated in local detention facilities.

This section has been amended by removing the word “reasonable” and adding “or communication device” in the phrase “[...] reasonable access to a telephone [...]” to ensure clarity because facilities across the state may interpret “reasonable” differently, and to ensure facilities are allowed the option of complying with the regulation using telecommunication devices besides telephones when alternative methods of telecommunication are already available.

Additional amendment includes proposing new provision to ensure facilities have appropriate telephonic equipment accessible to individuals with hearing or speech impairment consistent with the Americans with Disabilities Act. The added language also protects against the unnecessary revocation of telephonic communication.

These changes are necessary to ensure clarity in the requirements, fair access to telephones, operational flexibility, and that the language is consistent with best practices throughout these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1068. Access To the Courts and Counsel.

Section 1068 outlines the requirements for the facility administrator to develop written policies and procedures to provide access to court and legal counsel.

This section has been amended by replacing the term “inmates” in the first paragraph with “incarcerated persons,” inserting additional language in subsection (a) “Except in Temporary Holding and Court Holding facilities” to ensure the language in these regulations is contemporary, people-centered, consistent, and clear that the requirement does not apply to facilities that hold people for 24 hours or less.

There are no anticipated operational or fiscal impacts due to this change.

§ 1069. Inmate Orientation.

Section 1069 outlines the requirement that each administrator develop written policies and procedures on orientation upon admission to the facility.

The title of this section has been amended to “Orientation” by removing the word “inmate.” This section has been amended by removing unnecessary phrases in subsection (a), replacing the terms “inmates” and “inmate” with reference to “people” and “them” throughout, inserting “and” at the end of subsection (a)(9), and inserting the phrase “and mental health [...]” in subsection (a)(5), and proposing new provision in subsection (a)(10).

Further amendment also includes provisions to address deficiencies in the requirements related to providing orientation information by video or in written form; and additional measures to provide orientation materials in a manner that may be understood by all, including those with disabilities, limited literacy, or those with limited English proficiency.

These changes are necessary to ensure that anyone who is admitted to a local detention facility, regardless of ability or spoken language can easily understand orientation information. Other changes made throughout these regulations ensure that the language is people-centered, free of grammar errors, consistent with best practices, and that requirements can be clearly interpreted.

There may be a minimal operational or fiscal impact due to updates in policy or procedure.

§ 1070. Individual/Family Service Programs.

Section 1070 outlines the requirement for family social service programs for people housed in local detention facilities.

This section has been amended by removing “and/” in “and/or,” replacing the term “inmates” with “incarcerated persons,” and proposing a new provision in subsection (b)(6) “discharge and reentry planning.” These changes are necessary to ensure that facility administrator consider discharge planning and consider safe reentry of people to the community, that the requirements can only be interpreted one way by removing ambiguous language, and that the language is clear, people-centered and consistent with other proposed changes throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1071. Voting.

Section 1071 requires local detention facilities to develop policies and procedures on voting.

This section has been amended to replace the term “inmate” with “incarcerated” to ensure that the language is people-centered and consistent with the other proposed changes throughout these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1072. Religious Observances.

Section 1072 requires local detention facilities to provide religious services.

This section has been amended to replace the term “inmates” with “incarcerated persons” to ensure that the language is people-centered, free of grammar errors, and consistent with the other proposed changes throughout these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1073. Inmate Grievance Procedure.

Section 1073 outlines requirements for the development of written policies and procedures on grievance procedures within local detention facilities.

The term “inmate” has been removed from the title and also replaced with references to incarcerated persons throughout the section.

Section (a) has been amended to propose stronger language that clarifies that all incarcerated persons have the opportunity and ability to submit and appeal grievances, this change emphasizes “all” incarcerated persons are included in the grievance procedures because the word “any” may be misinterpreted to only include anyone in a particular group of people, whereas all means everyone and anyone.

The term “or” has been removed in subsection (a)(1) for clarity and to ensure the regulation can only be reasonably and logically interpreted as having only one meaning.

Subsection (a)(2) has been amended to require information on appealing grievances and deadlines be included so timelines are understood. Reference to anonymous grievances was inserted after subsection (a)(2) in the new subsection (a)(3) because the existing regulation in this section currently does not specify that grievances can be submitted

anonymously; facilities will also be required to develop a process for handling anonymous grievances.

Additional language has also been included in subsection (a)(7) to reflect best practices of providing “non-automated” initial responses within a specified time frame (not to exceed 15 days), to ensure that all grievances are responded to in a timely manner. Section (a)(9) is proposed to require facilities provide a copy of the grievance, appeal, response, and related documents to the incarcerated person, and subsection (a)(10) ensures the facility manager or designee is conducting regular reviews of grievances, responses, and appeals to ensure that the proper level of response, communication, transparency, and continuing improvements are occurring.

These changes are necessary to ensure clarity and transparency in the requirements and that the language throughout these sections is consistent, people-centered, and aligned with best practices.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 7. DISCIPLINE

§ 1080. Rules and Disciplinary Penalties.

Section 1080 outlines the requirements for facility administrators to establish written rules on discipline and conduct.

This section has been amended by replacing the term “Penalties” with “Actions,” the term “inmate” and “inmates” with references to incarcerated persons and individuals, inserting a reference in the last sentence to those individuals who may have limited literacy so that they receive necessary instruction and information material in an understandable form. These changes are necessary to ensure the requirements are clear and that the language throughout these regulations is consistent, people-centered, and not punitive.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1081. Plan For Inmate Discipline.

Section 1081 outlines the requirements for the discipline of incarcerated persons.

This section and its title have been amended by replacing the terms “inmate” with references to incarcerated person(s) throughout, the word “punitive” with “disciplinary,” removing subsection (b)(2) from the requirements, replacing the outdated and punitive term “segregating” with “separating,” replacing the word “illiterate” with the phrase “has limited literacy.” These changes are necessary to ensure the language throughout these regulations is current, clear, not punitive and consistent.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1082. Forms Of Discipline.

This section outlines the acceptable forms of discipline that may be used in local detention facilities.

This section has been amended by removing the term “punitive” in the first paragraph, inserting the language “[...] and promotion of desired behavior through a progressive disciplinary progress” at the end of the first paragraph, and removing subsection (h) “Disciplinary separation diet” from the requirements. These amendments are necessary to ensure the requirements align with best practices, no longer reference outdated and unacceptable forms of discipline (separation diet), are not interpreted as punitive or punishing, and are consistent with other proposed changes throughout the regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1083. Limitations On Disciplinary Actions.

This section outlines the limitations disciplinary actions that local detention facilities may take against incarcerated persons.

This section has been amended by adding new clarifying language to further specify the prohibition of cruel and unusual punishment with the insertion of “[...] disciplinary actions shall not include corporal punishment, group punishment when feasible, and physical or psychological degradation,” and proposing subsection (a) to follow best practice to prioritize the least restrictive methods in the least amount of time. Proposed language will clarify that separation is to be the option of last resort and shall be used for the shortest time possible. Further amendments have been made by inserting subsection (a)(3) which specifies that an incarcerated person shall be removed from disciplinary separation for their own safety if a medical or mental health staff determines that they have serious mental illness or intellectual disabilities.

Amendments also include removing unnecessary information and replacing the terms “inmates” and “inmate” with references to incarcerated person(s) or people throughout the regulations and removing an outdated and unacceptable provision for disciplinary separation diet for consistency with other sections of these regulations.

These changes are necessary to ensure that the requirements are clearly understood, are aligned with current and best practices, and that the language is clear, consistent, and people-centered throughout these regulations.

There are no anticipated fiscal impacts due to these changes, there may be a minimal impact to update policies and procedures.

§ 1084. Disciplinary Records.

Section 1084 references the requirement in Penal Code Section 4019.5 to keep disciplinary records.

This section has been amended to replace the phrase “infractions and punishment” with “actions” for consistency with other proposed changes made throughout these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 8. MINORS IN JAILS

§ 1101. Restrictions on Contact with Adult Prisoners.

Section 1101 requires that the facility administrator develop policies and procedures to restrict contact between adults and youth in detention facilities.

The title of this section has been amended to “Restrictions on Contact with Incarcerated Adults” to remove an outdated reference to “prisoners”. Further amendments include inserting “sight and sound” as the type of contact to be restricted, proposing language to consider trauma-informed approaches in protecting minors from contact, and replacing the term “inmates” with “incarcerated people.” These changes are necessary to ensure that the requirements align current and best practices and other proposed changes throughout these regulations, are consistent with other state and federal regulations, protect minors from contact with incarcerated adults, and ensure that the language is consistent and people-centered.

There are no anticipated fiscal impacts due to these changes.

§ 1102. Classification.

Section 1102 outlines the classification requirements for minors held at local detention facilities.

This section has been amended by replacing the term “segregation” in subsection (a) with “separation” to ensure the language throughout these regulations is not punitive and consistent with other proposed changes. The term “Sections” has been replaced with “Section” as a typographical correction.

There are no anticipated operational or fiscal impact due to this change.

§ 1104. Supervision of Minors.

Section 1104 outlines the requirements for the facility administrator develop written policy and procedures for supervision of minors.

This section has been amended to remove “/or” in “visual observation of movement and/or skin.” This change is necessary to clarify that the requirement for visual observation is that both movement and skin be observed to ensure the health and safety of minors.

There are no anticipated operational or fiscal impacts due to this change.

§ 1105. Recreation Programs.

Section 1105 requires facilities to have policies and procedures to provide recreation programs for minors that are consistent with the regulations in Juvenile Title 15, Section 1065.

This section has been amended to replace the “other inmates” with “incarcerated adults” to ensure the language is contemporary, people-centered and consistent with other proposed changes throughout these regulations.

There are no anticipated operational and fiscal impacts due to this change.

§ 1106. Disciplinary Procedures.

Section 1106 outlines disciplinary procedures for minors housed at the detention facility.

This section has been heavily amended to replace the terms “inmates” with “incarcerated adults,” insert applicable references to regulations regarding discipline (Sections 1080 through 1084), replace outdated information with reference to the Welfare and Institutional Code section 208.3, and inserting provisions to note the new requirements regarding permitted and prohibited forms of discipline in subsections (b) and (d).

These changes are necessary to ensure requirements are current and align with best practices, language is consistent throughout these regulations, people-centered, clear, and aligns with the intent to be non-punitive toward minors and provide protections from prohibited forms of discipline.

Additional amendment includes removing disciplinary confinement and disciplinary diet as many jails and prisons throughout the United States have discontinued the use of disciplinary diet, including the California Department of Corrections and Rehabilitation.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1122. Reproductive Information and Services for Minors in Jails.

Section 1122 requires facilities to have written policies and procedures that make reproductive health services available to minors in jails.

This section has been amended to remove the phrase “both male and female” from the requirements to ensure the language does not assume all minors self-identify as male or

female genders, and consistency with the overall intent to make these regulations more gender inclusive.

There are no anticipated operational and fiscal impacts due to this change.

§ 1122.5. Pregnant Minors.

Section 1122.5 outlines the requirements for written policies and procedures relating to pregnant minors.

This section has been amended by adding the phrase “or termination of the pregnancy,” replacing “irons, waist chains” with “or waist restraints,” and replacing “she” with “they” in subsection (b) the list of situations in which persons cannot be restrained.

These proposed amendments reflect best practices of using the least restrictive means possible on pregnant persons, ensure the language in these regulations is gender neutral, and consistent with Penal Code section 3407 and other changes being made in Section 1058.5, Restraint and Pregnant Persons.

There are no anticipated operational or fiscal impacts due to these changes.

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

§ 1143. Care of Minors in Temporary Custody.

Section 1143 outlines what shall be made available to all minors held in temporary custody in a law enforcement facility.

This section has been amended by removing, in subsection (a), the phrase “upon request” and inserting the term “appropriate,” proposing additional access to language services, disabilities services, feminine hygiene products, removing the phrase “his or her.” These changes are necessary to address the previous lack of services and items for youth, to ensure facilities provide a snack of appropriate nourishment for minors without minors having to initiate a request, and the language throughout these regulations is consistent and gender neutral. The proposed addition of subsection (a)(6) is also consistent with requirements to provide personal care items for menstruating people in section 1265.

Further amendment has been made to propose subsection (b) with language that will ensure minors be informed of what they are entitled to and what items are available when they are first brought into temporary custody.

There are no anticipated fiscal impacts due to these changes; operationally, facilities will need to update their policy and procedures manual to reflect the updated requirements what is available to minors under this section.

§ 1144. Contact Between Minors and Adult Prisoners.

Section 1144 requires facilities to have policies and procedures restricting contact between minors and incarcerated adults.

The section title has been amended to replace the term “adult prisoners” with “incarcerated adults,” and “inmates” with “incarcerated people” in the body of the regulation. These changes ensure that the language in these regulations is contemporary, people-centered, and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1145. Decision on Secure Custody.

Section 1145 outlines the conditions and factors facilities may take into consideration when deciding if a minor shall be taken into temporary secure custody.

This section has been amended to replace the phrase “he or she is” with “they are.” This change ensures that the language in these regulations is consistent and gender-neutral throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1147. Supervision of Minors in Secure Custody Inside a Locked Enclosure.

Section 1147 outlines the requirements and types of minimum supervision facilities shall provide when minors are in detained locked enclosures.

This section has been amended to replace the phrase “Males and females” in subsection (b) with “Minors of different genders.” This change ensures that the language in these regulations is consistent and gender-neutral throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1149. Criteria For Non-Secure Custody.

Section 1149 outlines the criteria for non-secure custody for minors held in temporary custody.

This section has been amended by replacing an outdated and incorrect reference to Section 207.1 “(d)” of the Welfare and Institutions Code with Section 207.1 “(b),” and adding “While minors are held in temporary non-secure custody the provision of Section 1143 apply” after the last sentence of the paragraph. These changes are necessary to ensure the language in these regulations makes relevant references, is consistent, and that the facilities understand the requirements of non-secure custody including those provisions in Section 1143.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1151. Minors Under the Influence of Any Intoxicating Substance In Secure or Non-Secure Custody.

Section 1151 outlines the requirements the facilities shall develop for handling minors under the influence of any intoxicating substances.

This section has been amended by inserting “prior to secure or non-secure custody of that minor,” in the first paragraph and removing the language that states, “who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substances.” These changes are necessary to ensure the language specifies that a medical clearance shall be obtained prior to secure or non-secure custody of a minor without being unnecessarily duplicative or confusing; supervision and safety checks should be performed regardless of whether a minor shows signs of any intoxication, and that interpretation of the language these regulations is consistent throughout.

There are no anticipated fiscal impacts due to these changes; operationally, facilities will need to update their policy and procedures manual.

ARTICLE 10. MINORS IN COURT HOLDING FACILITIES

§ 1161. Condition of Detention.

Section 1161 outlines the condition of detention requirements for court holding facilities that may be used to hold both minors and adults.

This section has been amended by replacing the term “Segregation” with “Separation” in subsection (b) to ensure the intent of these regulations is not punitive and that the language in these regulations is contemporary and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1162. Supervision of Minors.

Section 1162 outlines the requirements related to supervision and safety checks of all minors in detention.

Currently the language in this section does not state the review of safety checks is required. This section has been amended inserting the phrase “and review [of safety checks]” as there should be a plan in place for the review of safety check so that issues may addressed immediately at the facility level rather than waiting until biennial inspection occurs.

There are no anticipated operational or fiscal impacts due to this change.

§ 1163. Classification.

Section 1063 requires that a court holding facility administrator develop a written plan to ensure safety of staff and minors held at the facility as required by Section 208 of the Welfare and Institution Code.

This section has been amended by replacing the term “segregation” with “separation,” and the phrase “adult inmate(s)” with “adults confined there.” These changes ensure that the intent of these regulations is not punitive and the language in these regulations is contemporary, people-centered, and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 11. MEDICAL/MENTAL HEALTH SERVICES

§ 1200. Responsibility for Health Care Services.

Section 1200 requires the facility administrator to have emergency and basic health care services available to all incarcerated persons.

This section has been amended by replacing the terms “inmates” with “incarcerated persons” in the subsection (a) and (b) to ensure the language in these regulations is contemporary, people-centered, and consistent throughout. Additionally, the term “physician” has been replaced with “qualified health care professionals” in subsection (a) because not all facilities have a physician readily available, but most facilities do have qualified health care professionals on site or readily available.

Further amendment has been made to remove the phrase “[...] to treat physical disorders” from the requirement to ensure consistency with medical hierarchy in professional practices and clarity in that a physician should be available for oversight and several other duties and responsibilities in addition to physical disorders.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1205. Health Care Records.

Section 1205 outlines the requirements related to maintaining and accessing health care records of incarcerated people.

This section has been amended by replacing the term “inmate” with references to incarcerated person and person(s) in subsection (b), (c), and (d), to ensure the language in these regulations is consistent and people-centered throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1206. Health Care Procedures Manual.

Section 1206 outlines the requirements for health authorities to develop and maintain written policies and procedures that pertain to in-custody health care.

This section has been amended by replacing the term “[lactating] women” with “people” in subsection (f), the terms “inmates” with “incarcerated persons,” “incarcerated [passengers]” and “incarcerated people” in subsection (i), (j), (n), (o), (p), and (r). These changes are necessary to ensure the language throughout these regulations is gender neutral, people-centered, consistent, and free of grammar errors. Additionally, consistent with the changes in this section, subsection (g) has been amended to state “[...] incarcerated persons who may be in behavioral crisis or have [developmental] disabilities;” from “screening, referral, and care of mentally disordered and developmentally disabled inmates.”

Since the current regulation does not specify the response time or what is “timely” in subsection (r) for access to medical and mental health services, further amendment has been made in subsection (r) by adding language to clarify that “timely” is defined as “within seven days of request.” This change is necessary to ensure the requirement can be clearly interpreted and applied properly.

There are no anticipated fiscal impacts due to these changes; operationally facilities will need to update the policies and procedures to ensure facility staff can meet the timeliness requirement.

§ 1206.5. Management of Communicable Diseases in a Custody Setting.

Section 1206.5 outlines the requirements the facilities shall follow related to the policies and procedures as well as the management of communicable diseases.

This section has been amended by replacing the term “inmates” with references to incarcerated person(s) and people for consistency with other contemporary and people-centered changes throughout these regulations.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1207. Medical Receiving Screening.

Section 1207 outlines the requirements and responsibilities of medical receiving screening that shall occur for incarcerated persons at the time of intake.

This section has been amended by removing the exception provision in the beginning of the first sentence “With the exception [...] receiving screening, a” and removing the word “tuberculosis” and “other” from the phrase “tuberculosis and other communicable diseases,” to ensure medical receiving screening is not reliant on previous screenings that may contain outdated or lacking information, is inclusive of all incarcerated persons

without excluding incarcerated persons who are new or transferred from another facility, and that all communicable diseases are considered, not just tuberculosis.

Additional amendments include replacing the terms “inmate” and “inmates” with references to incarcerated persons to ensure the language in these regulations is people-centered and consistent throughout.

There are minimal anticipated operational or fiscal impacts due to these changes.

§ 1207.5. Special Mental Disorder Assessment.

Section 1207.5 require the local detention facilities to have additional mental health assessment.

This article title has been amended by replacing the term “Mental Disorder” with “Behavioral Health,” and the term “women” with “incarcerated persons” to ensure the language throughout these regulations is contemporary, gender neutral, people-centered, and consistent.

There are no anticipated operational or fiscal impacts due to this change.

§ 1208. Access to Treatment.

Section 1208 outlines the requirements for local detention facilities to develop a written plan for referring incarcerated persons to various health related treatments during their incarceration subsequent to receiving screening.

This section has been amended by removing “/or,” replacing the term “inmate” with “incarcerated person,” inserting the term “dental” as an additional treatment offered, replacing “his/her” with “their” and replacing the term “inmates” with “persons.” These changes are necessary to reflect best practices of providing access to proper treatments, and they also ensure the language in throughout these regulations is consistent, people-centered, gender neutral throughout and can be clearly interpreted.

There are no anticipated fiscal due to these changes; operationally facilities will need to update policies and procedures.

§ 1208.5. Health Care Maintenance.

Section 1208.5 outlines the types and frequency of health care maintenance that shall be provided in detention facilities.

This section has been amended by removing and replacing the term “inmates” with references to people and persons, removing “[health] of the inmate” from the second sentence, inserting a hyphen in “factor based,” and replacing the term “anniversary” with “year.” These changes are necessary to ensure language throughout these regulations

is consistent, people-centered, free of punctuation errors, and clear since the term “anniversary” does not clearly define a period of time; it is a point in time.

Further amendment to this section includes inserting the phrase “but not to exceed one year” to clarify what reasonable intervals are for the healthcare maintenance examinations requirement. This revision was driven by the aging incarcerated population and the increased in length of stay for an incarcerated person compared to the past. Facilities are also seeing an increased number of older incarcerated persons who may require more frequent care. This change is necessary to ensure incarcerated persons receive healthcare examinations at more consistent intervals across the state.

There are no anticipated operational or fiscal impacts due to these changes.

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

Section 1209 outlines the requirements of facilities to establish policies and procedures for the identification and handling of mental health services.

This section has been amended by replacing the terms “inmates” and “inmate” with references to incarcerated person or person, correcting a misspelling for the word “telehealth,” replacing the word “himself” with “themselves,” and removing “/or” in “designation of restraint procedures and/or devices.” A reference to the “Department of Mental Health,” which no longer exists, has been replaced with a reference to the “Department of Health Care Services. These changes ensure that the language and requirements throughout these regulations is people-centered, consistent, and can be reasonably and logically interpreted as having only one meaning, and clarifying that facilities must have policy that includes information on both restraint procedures and devices.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1210. Individualized Treatment Plans.

Section 1210 outlines the requirements for local detention facilities to provide treatment plans for incarcerated persons with mental health and other health conditions.

The section has been amended by replacing the term “inmate” with “incarcerated person” and “person,” and revising the phrase “the responsible health care” to “the responsible mental health care provider.” These changes are necessary to ensure the language throughout these regulations is people-centered, consistent, and clear in the requirement that mental health care providers specifically are the individuals providing mental health treatments in the facilities.

Additional amendments include removing “and/” and “/are” in the subsection (b) to ensure the regulation requirements can be reasonably and logically interpreted as having only one meaning, further clarifying that treatment plans are required for additional treatment,

special accommodations, or a schedule of follow-up care during the period of incarceration.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1211. Sick Call.

Section 1211 requires that local detention facility administrator develop written policies and procedures for daily sick calls.

This section has been amended by rewording the policy and procedures requirement, removing unnecessary information “[...] for a” and “[sick call] conducted,” and replacing the terms “inmate” and “inmates” with “incarcerated person” and “incarcerated persons.” These changes are necessary ensure the language in these regulations is easily understood, consistent, people-centered, and grammatically correct throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1212. Vermin Control.

Section 1212 requires local detention facilities to have a written plan for the control and treatment of vermin infestation.

This section has been amended by replacing the term “inmate” with “incarcerated person,” and inserting the phrase “[...] incarcerated persons who are found to be [vermin-infested].” These changes ensure the language is clear, people-centered, and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1213. Detoxification Treatment.

Section 1213 requires local detention facilities to have policies on treatment of detoxification.

This section has been amended by replacing the term “inmates” with “incarcerated people” to ensure the language in these regulations is people-centered and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1214. Informed Consent.

Section 1214 outlines the requirements for informed consent for non-emergency medical and mental health care in local detention facilities.

This section has been amended by replacing the term “inmates” with “incarcerated persons,” and “incarcerated people,” and “inmate” with “incarcerated person” to ensure the language in these regulations is people-centered and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1215. Dental Care.

Section 1215 requires that the facility administrator to develop written policies and procedures for handling dental care under a dentist licensed in the state.

This section has been amended by replacing the term “inmate” with “incarcerated person,” and removing the comma before “licensed in the state.” These changes ensure the language in these regulations is free of punctuation errors, is people-centered and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1216. Pharmaceutical Management.

Section 1216 outlines the requirements for pharmaceutical management in detention facilities.

This section has been amended by removing and replacing the terms “inmate” and “inmates” with references to incarcerated person(s) or people throughout subsections (a), (b) and (d). These changes are necessary to ensure language throughout these regulations is contemporary, people-centered, and consistent.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1217. Psychotropic Medications.

Section 1217 outlines the requirements and conditions for administering psychotropic medications in local detention facilities.

This section has been amended by replacing the terms “inmate” and “inmates” with references to incarcerated person(s) or people throughout, and by replacing “him/herself” with “themselves” to ensure language in these regulations is contemporary, people-centered, gender neutral and consistent.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1230. Food Handlers.

Section 1230 requires local detention facilities to have policies and procedures for medical screening of food handlers.

This section has been amended by replacing the term “inmate [food service workers]” with “incarcerated [food service workers]” to ensure the language in these regulations is people-centered and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 12. FOOD

§ 1240. Frequency of Serving.

Section 1240 outlines the frequency, timing, and requirements for servicing food in Temporary Holding, Type I, II, III and IV facilities.

This section has been amended by inserting additional language that supplemental food must be served if more than 14 hours pass between “evening and morning” meals. The current regulation lacks clarity when the 14 hours should fall between. Additionally, the phrase “a 14-hour period” in the last sentence has also been amended by inserting “the time period outlined above.” These changes are necessary to ensure clarity and consistency, and that the 14-hour passage of time is not applied to hours when incarcerated people are awake.

Further amendments have been made to ensure that the language in these regulations is contemporary, people-centered, and consistent throughout by replacing the term “inmates” with “incarcerated persons” and “people” and removing the term “inmates” where is no longer necessary.

There are no anticipated fiscal impacts due to these changes; operationally facilities will need to update their policy and procedures.

§ 1241. Minimum Diet.

Section 1241 outlines the minimum diet requirements for people incarcerated in local detention facilities.

This section has been amended by replacing the Dietary Reference Intakes (DRI) of the Food and Nutrition Board from the “2011” release with the latest release of “2019,” removing the reference to the 2008 California Food Guide, replacing the references to Dietary Guidelines for Americans with the “2020-2025,” replacing the term “women” with “people,” and the term “inmates” with “incarcerated person’s.” These changes are necessary to ensure the references and language throughout the regulations are up-to-date, people-centered, gender neutral, consistent throughout.

Further amendments include replacing the apostrophe in “food group’s,” replacing the incorrectly spelled word “Retional” with “Retinol” in subsection (c)(3), inserting the term “daily” in the last paragraph to specify that additional servings from the listed groups of

food must be provided in amounts to meet daily caloric requirements. These additional changes are necessary to ensure the grammar and punctuation are correct in these regulations and that the language in the requirement is clear that facilities provide the nutritional needs to incarcerated persons daily.

There are no anticipated fiscal impacts due to these changes; operationally facilities will need to update their policy and procedures manual.

§ 1242. Menus.

Section 1241 outlines the requirements for facilities to prepare and plan meal menus in Type II, III and IV local detention facilities.

This section has been amended by inserting language at the end of the first paragraph that “[t]he dietitian shall ensure that the meals meet the nutritional and hot food requirements set forth in Section 1240 and 1241,” and inserting “[...] variation in the menu shall meet the caloric requirements set forth in Section 1241” to end of the second paragraph. These changes ensure that the requirements are clear and consistent in the language throughout these regulations.

There are no anticipated fiscal impacts due to these changes; operationally facilities may need to update their policy and procedures.

§ 1243. Food Services Plan.

Section 1243 outlines the requirements for written food services plans.

This section has been amended by inserting, in subsection (d), “[...] 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.” This change ensures requirements are clear for the facilities to have policies and procedures regarding food that may not be fit for consumption. This change is also consistent with the requirements of the California Retail Food Code which is already referenced in the current language.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1245. Kitchen Facilities, Sanitation, and Food Storage.

Section 1245 outlines the applicable requirements in accordance with Health and Safety Code and California Retail Food Code in local detention facilities.

This section has been amended by replacing the term “inmates” with incarcerated people” to ensure that the language is contemporary, people-centered, and consistent throughout.

There are no anticipated operational or fiscal impacts due to these changes.

§ 1247. Disciplinary Separation Diet.

Section 1247 outlines the requirement and recipe for making a disciplinary separation diet.

Consistent with state and national best practices, Section 1247, Disciplinary Separation Diet has been removed. References to disciplinary separation diets in other related regulations have also been struck and removed to prohibit its use as a disciplinary consequence. Many jails and prisons throughout the United States have discontinued the use of disciplinary diets, including the California Department of Corrections and Rehabilitation. This removal is also consistent with the amendment made in Section 1081 and Section 1082 of these regulations.

There are no anticipated fiscal impacts due to these changes; operationally, facilities may need to update their policies and procedures.

§ 1248. Medical Diets.

Section 1248 requires the responsible physician and facility administrator to have policies and procedures for medical diets.

This section has been amended by replacing the term “inmate” with “incarcerated person” and the word “women” with the phrase “and lactating people” to ensure the language throughout these regulations is contemporary, people-centered and gender neutral.

There are no anticipated operational or fiscal impacts due to these changes.

ARTICLE 13. INMATE CLOTHING AND PERSONAL HYGIENE

This article title has been amended by removing the term “inmate” to ensure the language throughout these regulations is contemporary, people-centered, and consistent.

There are no anticipated operational or fiscal impacts due to this change.

§ 1260. Standard Institutional Clothing.

Section 1260 outlines the requirements and responsibility for facilities to issue institutional clothing in the conditions listed.

This section has been amended by replacing the term “inmates” with references to incarcerated person or people throughout the section, and inserting additional language to the last paragraph to further specify that “all issued clothing must be clean, free of holes and tears” to ensure reasonable quality standards in personal garments issued to people incarcerated at the facilities. Further amendment includes inserting new provision at the end of the section “Undergarments shall be clean, free of holes or tears, and substantially free of stains. Individuals shall be able to select the garment type more compatible with

their gender identity and gender expression.” These changes are necessary to ensure that the language in these regulations is consistent with current and best practices, people-centered, and gender neutral throughout.

There are no anticipated fiscal impacts due to these changes; operationally, facilities may need to update their policies and procedures.

§ 1261. Special Clothing.

Section 1261 requires the facilities to issue special clothing to inmates who perform special work assignments.

This section has been amended by replacing the term “inmates” with “incarcerated people” and inserting new provision at the end of the section “All issued clothing must be clean, free of holes, and tears” as there is currently no provision that clarifies the condition of the special clothing issued. These changes are necessary to ensure the requirements are clearly understood, that the language is people-centered, consistent with best practices and other proposed changes throughout these regulations.

There are no anticipated fiscal impacts due to these changes; operationally, facilities may need to update their policies and procedures.

§ 1263. Clothing Supply.

Section 1263 outlines the requirements for facility clothing supplies.

This section has been amended by inserting the word “clean” and removing the term “inmate” in the first paragraph. These changes are necessary to specify and ensure that the available supply of clothing, bedding and linen, must be in clean condition, and that language in these regulations is contemporary, people-centered and consistent throughout.

There are no anticipated fiscal or operational impacts due to these changes.

§ 1264. Control of Vermin in Inmates’ Personal Clothing.

Section 1264 requires local detention facilities to have policies and procedures for vermin control in personal clothing.

This section has been amended by removing the word “inmates” from the section title, and replacing the term “inmates” with “incarcerated people’s” to ensure language in these regulations is contemporary, people-centered and consistent throughout.

There are no anticipated fiscal or operational impacts due to these changes.

§ 1265. Issue of Personal Care Items.

Section 1265 outlines the requirement for policies and procedures on the issuance of personal care items.

This section has been amended by replacing the term “female inmate” in the first paragraph with “menstruating person,” “himself/herself” with “themselves” and the terms “inmate” and “inmates” with references to incarcerated persons or people to ensure that the language in these regulations is contemporary, people-centered, gender neutral, and consistent with best practices throughout so that an incarcerated person who may not identify themselves as female shall still have access to and be provided with menstrual products.

Further amendments in this section include inserting additional language in the first paragraph to emphasize that there should be no maximum allowance for menstrual products that can be requested by a menstruating person in the facilities, and adding a new provision stating that “personal care items shall be issued within the first 12 hours of housing assignment” to the last paragraph to ensure facilities do not delay in providing necessary items needed for incarcerated persons to maintain personal hygiene. These additional amendments throughout these regulations are necessary to ensure that the requirements are clearly understood and consistent with best practices.

There are no anticipated fiscal or operational impacts due to these changes.

§ 1266. Showering.

Section 1266 requires facilities to have policies and procedures for showering and bathing.

This section has been amended by removing the term “inmate” from “inmate showering/bathing” and “replacing the term “inmates” with “incarcerated persons” to ensure the language in these regulations is contemporary, people-centered, and consistent throughout.

Further amendment also includes a new provision “[a]bsent exigent circumstances, no person shall be prohibited from showering at least every other day following assignment to a housing unit. If showering is prohibited, it must be approved by the facility manager or designee, and the reason(s) for prohibition shall be documented.” This new provision is necessary to establish additional oversight of inappropriate disciplinary actions, including the denial of showers which cannot be done without having additional documentation and approval from a supervisor to justify the denial.

There are no anticipated fiscal impacts due to these changes; operationally, facilities will need to update their policy and procedures.

§ 1267. Hair Care Services.

Section 1267 outlines the requirements for hair care services in local detention facilities.

This section has been amended by removing the term “inmates” from the first sentence of subsection (b) and replacing the term “inmates” with “people” in the second sentence to ensure the language in these regulations is contemporary, people-centered, consistent throughout.

There are no anticipated fiscal or operational impacts due to these changes.

ARTICLE 14. BEDDING AND LINEN

§ 1270. Standard Bedding and Linen Issue.

Section 1270 outlines the requirements for standard bedding and linen issued to incarcerated people in the local detention facilities.

This section has been amended by replacing the terms “inmate” with “incarcerated person” in the first paragraph, inserting new provision that “[p]olicy and procedure shall require that items (a), (b), and (d) above be provided prior to the first night in the facility” in the second paragraph, and “[...] at the request of the incarcerated person” in the third paragraph. These changes are necessary to ensure the requirements are clearly understood, ensure that newly incarcerated persons spending their first night in a facility aren’t without bedding supplies, and that the language in these regulations is people-centered and consistent throughout.

Additional amendments include inserting language “[...] provide an incarcerated persons with bedding and linen that [meet the requirements] and “[...] prior to their first in the facility and every night thereafter,” to ensure consistency in this section’s requirements and other changes proposed throughout these regulations.

There are no anticipated fiscal impacts due to these changes; operationally facilities will need to update their policy and procedures.

§ 1271. Bedding and Linen Exchange.

Section 1271 outlines the requirements for the facility administrator to develop policies and procedures for the scheduled exchange of bedding and linen issued to each person incarcerated in the local detention facilities.

This section has been amended by replacing the term “inmate” with “person” to ensure language throughout these regulations is contemporary, people-centered, and consistent throughout.

Further amendment includes inserting a new provision “[m]attress shall be free of holes and tears. Mattress with holes, tears, or that lack sufficient padding shall be replaced

upon request with mattresses that meet the requirements of Section 1270.” This change ensures reasonable quality for mattresses provided in the facilities and improved-well-being of incarcerated persons, which is consistent with best practices and other changes proposed throughout these regulations.

There are no anticipated fiscal impacts due to these changes; operationally facilities will need to update their policy and procedures.

§ 1272. Mattresses.

Section 1272 outlines the requirements for any mattress purchased and issued to incarcerated persons.

This section has been amended by replacing the terms “inmate” with “incarcerated person” to ensure language throughout these regulations is contemporary, people-centered, and consistent throughout.

There are no anticipated fiscal or operational impacts due to these changes.

PURPOSE

These revisions were made to enhance the operation of local detention facilities and in response to the Governor's direction (Governor's Budget Summary 2020-21. Page 142.) that BSCC strengthen oversight of county jails, including making standards consistent with national best practices. While there are no specific problems that these revisions intend to address, they do incorporate best practices and reflect relevant changes in applicable statute. Benefits of these revisions will include enhanced safety and security of local detention facilities and continued protection of incarcerated persons, local detention facilities staff, and the public.

PROBLEMS THIS PROPOSED REGULATION SEEKS TO ADDRESS

There are no specific problems that these revisions address, they incorporate current best and evidence-based practices and reflect relevant changes in applicable statute.

BENEFITS ANTICIPATED FROM THE PROPOSED REGULATIONS

The BSCC anticipates several benefits from the proposed regulation adoption and amendment, including protection of health and safety for incarcerated persons, and worker safety.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

Except for the incorporated documents, listed below, the BSCC did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

- [2019 Dietary Reference Intakes \(DRI\) of the Food and Nutrition Board, Institute of Medicine of the National Academies](#)
- [2020-2025 Dietary Guidelines for Americans](#)

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

No other reasonable alternatives were presented to or considered by the BSCC.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The BSCC has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The BSCC has determined that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business based on the Economic Impact Assessment, as discussed below.

LOCAL MANDATE DETERMINATION

As required by Government Code Section 11346.9(a)(2), the Board of State and Community Corrections (BSCC) has determined that there will be no mandates imposed on local agencies or school districts through the adoption of these Title 15 regulations as proposed.

ECONOMIC IMPACT ASSESSMENT

PURPOSE

The Board of State and Community Corrections (BSCC) is required by Penal Code 6030 to biennially review facility standards and make appropriate revisions. The proposed revisions were made to incorporate necessary requirements for the operation of local detention facilities.

In reviewing the current regulations, the BSCC set out to provide local detention facilities with a clear and concise guide to navigate the requirements as they pertain to specific facilities.

THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not create or eliminate jobs within the state of California.

THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not create new businesses or eliminate existing businesses within the state of California.

THE EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not expand businesses currently doing business within the state of California.

BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

The anticipated benefits from the proposed regulation adoption and amendments include but are not limited to, updated terminologies and language which more appropriately align with the goal of rehabilitation; more clarity and consistency of the language throughout the regulations; significant improvement to the health and welfare of incarcerated persons in local detention facilities; and increased overall safety for facility staff, incarcerated persons and visitors at local detention facilities by implementing policies and procedures that are more align with best practices.

The proposed regulation adoption and amendments will not affect the State's environment because the regulations pertain to the minimum standards for local detention facilities which do not address any environmental factors.