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****Bold and italics indicate proposed revision.***

Regulation and Recommended Revision

The following is an excerpt from Section 1006 in the Administration Workgroup section. The Programs and Services Workgroup proposes the following regulation revisions for this section.

§ 1006. Definitions.

“Average daily population” means the number of inmates housed in a facility in a day. Average daily population (ADP) is the average number of inmates housed daily population divided by the number of days in the period of measurement during the last fiscal year.

“Contact visit” means an on-site visit without barriers.

“In-person visit” means an on-site visit that may include barriers.

“Video visit” means an on-site or remote visit through the means of audio-visual communication devices.

Workgroup Notes

- The definition for "average daily population" was amended to match the definition as used in the BSCC's Jail Profile Survey.
- Definitions for "contact visit", "in-person visit" and "video visit" were added to define those methodologies commonly encountered in inmate visitation.
- The Programs and Services Workgroup agreed that amending average daily population would add clarity to these regulations and other BSCC processes. The group also discussed adding a definition for "partially sentenced" as it related to statistical surveys, but opted not to pursue that at this time.
- In their discussion of Section 1062, the workgroup felt that it was important to define "contact visit", "in-person visit" and "video visit" to distinguish between the various options facility operators have to provide inmates opportunities for visiting.

ESC Action/Response

1. Regulation and Recommended Revision

§ 1061. Inmate Education Plan.

The facility administrator of any Type II or III facility shall plan and shall request of appropriate public officials an inmate education program. When such services are not made available by the appropriate public officials, then the facility administrator shall develop and implement an education program with available resources. Such a plan shall provide for the voluntary academic and/or vocational education of ~~both sentenced and non-sentenced~~ housed inmates. Reasonable criteria for program eligibility shall be established and an inmate may be excluded or removed ~~from any class~~ based on sound security practices or failure to abide by facility rules and regulations.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

The ESC requested the **Programs and Services Workgroup** consider the input.

Additionally, with regards to Recommendation B, give attention to the following:

1. Give cautious consideration to equal access, to ensure flexibility. **PSWG opted not to make this change.**
2. A variety of programs should be available. **PSWG opted not to make this change.**

Rec A

The non-sentenced portion of the regulation should be removed. **PSWG opted to make this change.**

Rec B

At a minimum, this section should be revised to include:

1. A statement that the education plan shall ensure equal access for inmates with disabilities. **PSWG opted not to make this change.**

Reference: 28 CFR §§ 35.130, 35.149, 35.152

Rec C

We would recommend that Inmate Programs Administrators and/or Managers from various Counties be invited to an open discussion forum to address issues, challenges and changes in programs and legislative mandates.

Fiscal/Operational Impact: Presumably, changes to the language in Title 15 to meet legislative mandates of "Evidence-Based Practices" will have a fiscal impact as data will need to be collected and analyzed. Funding will be necessary for the staff needed to accomplish these tasks.

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

In the third sentence, the words "both sentenced and non-sentenced" were deleted and replaced by "housed." "Housed" clarifies that an agency has a responsibility to offer voluntary education to all inmates assigned to a housing unit, but not inmates on alternative, non-custodial programs.

In the last sentence, "program" was added between "for" and "eligibility" to provide clarity.

Also in the last sentence, "from any class" was deleted to make it clear that inmates may be excluded or removed from any program whether or not it is a class or a program offered via tablets or the internet.

4. What is the operational impact that will result from this revision; how will it change operations?

Deleting "both sentenced and non-sentenced" and replacing that with "housed" will not affect facility operations.

Adding "program" between "for" and "eligibility" will not affect facility operations.

Deleting "from any class" provides greater flexibility to facility operators by clarifying that inmates may be excluded or removed from any program whether or not it is a class or a program that is offered via tablets or the internet. This provides facility operators with additional consequences for inmates' negative behavior.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

Deleting "both sentenced and non-sentenced" and replacing that with "housed" will not result in a fiscal impact.

Adding "program" between "for" and "eligibility" will not result in a fiscal impact.

Deleting "from any class" will not result in a fiscal impact.

6. How will BSCC measure compliance with this revision?

These amendments will not affect the BSCC's inspection process.

7. Summary of Workgroup Discussion and Intent

The Programs and Services Workgroup discussed the issue of equal access for inmates with disabilities and felt that existing ADA mandates are sufficient to assure those inmates equal access to the educational plan.

The issue of the types and variety of programs that should be offered was also discussed. The group felt that the existing language in this regulation provides adequate flexibility to encompass all types of programs under the umbrella of "education" and "vocational."

Further discussion evolved around whether to require evidence-based programs (EBP) in local detention facilities. The group ended the discussion by agreeing not to build regulations around a current trend which may be renamed or altered in the future. Additionally, while agencies may provide EBP at their discretion, mandating EBP statewide could cause an uneven burden on smaller agencies due to the cost to implement those programs.

The workgroup agreed that the requirements in Section 1061 pertain to only inmates housed in a local detention facility – not to inmates in alternative, non-custodial programs. They further agreed that clarifying the last sentence will provide additional sanctions for facility administrators for addressing inmates' negative behavior. Additionally, with the recommended change, inmates may be removed from a class, but still be allowed to participate in a program in his or her housing unit through the use of technology (i.e. a tablet).

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1062. Visiting.

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

(b) In Type I facilities, the facility administrator shall develop and implement written policies and procedures to allow visiting for non-sentenced detainees. The policies and procedures will include a schedule to assure that non-sentenced detainees will be afforded a visit no later than the calendar day following arrest.

(c) The visiting policies developed pursuant to this section shall include provision for visitation by minor children of the inmate.

(d) One hour per week of on-site (in-person or video) visiting time shall be free of charge.

NOTE: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

The ESC requested the **Programs and Services Workgroup** consider the input, giving attention to the following:

1. Flexibility shall be given whether two half-hour visiting periods, or one one-hour period. **PSWG opted to make this change.**
2. Include discussion on video visitation.

Rec A

At a minimum, this section should be revised to include:

1. A statement that visiting policies shall ensure equal access for inmates and visitors with disabilities, including provision of auxiliary aids and assistive devices to facilitate their full participation in visits. **PSWG opted not to make this change.**

Reference: 28 CFR §§ 35.130, 35.149, 35.152; 15 CCR §§ 3170.1(e), 3170(a), 3170(b)

Rec B

Recommended change visiting from two-thirty minute visits to one visit weekly for one hour. It eliminates the unnecessary pause between their two-thirty minute visits with the same visitor. The revision will also eliminate the unnecessary inmate movement in the Administrative Segregation housing units affecting the recreational time of other inmates. **PSWG opted to make this change.**

Rec C

There should be no restriction on the number of visits regardless of facility type. Minors 16 and over should be able to visit their parent without a guardian present, a policy recently adopted in San Francisco. In-person visits should not be limited due to the existence of a video visitation option. Some facilities have stopped in-person visitation due to implementing a video visitation option. We do not want to see that happen in any facilities in California. Visiting policies shall ensure equal access for incarcerated people and visitors with disabilities, including provision of auxiliary aids and assistive devices to facilitate their full participation in visits. **PSWG opted not to make this change.**

Rec D

Regarding video visitation, counties need to be legally defensible in its use.

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

As currently written, the second sentence of the regulation does not provide sufficient flexibility to facility operators because it seems to require visits on two separate days totaling one hour. Removing "facilities there shall be allowed no fewer than two visits totaling at least one hour per inmate each week" in the second sentence clarifies that the required visitation time of one hour may be provided in two half-hour visiting periods or one one-hour period.

Subsection (d) was added because some facilities use video visitation in lieu of the in-person visits between the inmate and family and friends. If providers of video visitation charge for the mandated one-hour of visitation, it could be a fiscal hardship to the inmate, family and friends.

4. What is the operational impact that will result from this revision; how will it change operations?

For those agencies that currently provide visits on two separate days, but choose to move to one hour of visiting in one day, policies and procedures will need to be revised to reflect this new practice.

For those agencies that provide video visiting, policies and procedures will need to be revised to reflect that the first hour of visiting is free of charge.

For those agencies that currently provide visits on two separate days, but choose to move to one hour of visiting in one day, there would be less staff time involved in moving inmates. Moving inmates less frequently could also improve staff and inmate safety.

For facilities that utilize video visitation, providing that service free of charge will not have an operational impact.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

For facilities that choose to move to one hour of visiting in one day, policies and procedures will need to be revised to reflect this change in operations. Staff time to revise policies and procedures will result in an increased cost that will be offset by the cost savings resulting from less inmate movement.

For facilities that utilize video visiting, policies and procedures would need to be revised to reflect that the first hour of visiting is free of charge.

6. How will BSCC measure compliance with this revision?

Inspectors will review facility policies and procedures.

7. Summary of Workgroup Discussion and Intent

The Programs and Services Workgroup meeting opened with two individuals offering public comment regarding the negative effects on inmates and on inmates' family/friends of providing only video visitation (lack of human contact, cost and inconvenience to visitors). Both individuals encouraged the workgroup to mandate in-person visiting at local detention facilities, in addition to any other method of visiting provided.

The workgroup engaged in a lengthy discussion regarding video visitation versus in-person visits. Several members of the group reported that their county is planning or building new facilities with space for video visiting only (no space for in-person visits). They felt that if Title 24 required space for in-person visits, then their new facilities would be noncompliant the day the facility opened. Some of the members cited some potential negative impacts of in-person visits such as exposing children to the inside of a jail, the staff time it can take to move inmates and the security concerns of moving high-security inmates.

Most of the group agreed that the regulation should remain flexible regarding how visitation is provided and decided to develop the following definitions:

- "In-person visit" means an on-site visit that may include barriers.
- "Contact visit" means an on-site visit without barriers.
- "Video visit" means an on-site or remote visit through the means of audio-visual communication devices.

The workgroup also discussed practices surrounding video visitation, both at the facility and remotely (possibly from the visitor's home). They agreed that the required one hour of visiting per week should be at no cost to the inmate, family and friends.

It must be noted that the workgroup was not unanimous in agreement over the decision not to require in-person visits in local detention facilities.

The issue of equal access for inmates and visitors with disabilities was discussed. The group felt that existing ADA mandates are sufficient to assure equal access for disabled individuals.

The workgroup agreed that the second sentence of the regulation did not provide sufficient flexibility to facility operators because it seemed to require two visits on two separate days totaling one hour. It was decided that removing the confusing language in the second sentence would clarify that the required visitation time of one hour may be provided in two half-hour visiting periods or one one-hour period.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1063. Correspondence.

The facility administrator shall develop written policies and procedures for inmate correspondence which provide that:

- (a) there is no limitation on the volume of mail that an inmate may send or receive;
- (b) inmate correspondence may be read when there is a valid security reason and the facility manager or his/her designee approves;
- (c) jail staff shall not review inmate correspondence to or from state and federal courts, any member of the State Bar or holder of public office, and the Board of State and Community Corrections; however, jail authorities may open and inspect such mail only to search for contraband, cash, checks, or money orders and in the presence of the inmate;
- (d) inmates may correspond, confidentially, with the facility manager or the facility administrator; and,
- (e) those inmates who are without funds shall be permitted at least two postage paid envelopes and two sheets of paper~~letters~~ each week to permit correspondence with family members and friends but without limitation on the number of postage paid envelopes and sheets of paper~~letters~~ to his or her attorney and to the courts.

NOTE: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

Revise 1063(d) to read "two postage paid envelopes" instead of "letters" to ensure that inmate gets stamp, envelope and paper. **PSWG opted to make this change.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

The amendments to this regulation provided needed clarity.

4. What is the operational impact that will result from this revision; how will it change operations?

No operational impact.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

No fiscal impact.

6. How will BSCC measure compliance with this revision?

Inspectors will review policies and procedures to assure compliance.

7. Summary of Workgroup Discussion and Intent

The Programs and Services Workgroup discussed that as currently described in the regulation, "postage paid letters" was not sufficiently clear. The group agreed that this regulation should be amended to require two postage paid envelopes and two sheets of paper.

The group also discussed the use of email correspondence and agreed to table the issue of email alternatives.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1064. Library Service.

The facility administrator shall develop written policies and procedures for library service in all Type II, III, and IV facilities. The scope of such service shall be determined by the facility administrator. The library service shall include access to legal reference materials, current information on community services and resources, and religious, educational, and recreational reading material. In Type IV facilities such a program can be either in-house or provided through access to the community.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1065. Exercise and Recreation.

(a) The facility administrator of a Type II or III facility shall develop written policies and procedures for an exercise and recreation program, in an area designed for recreation, which will allow a minimum of three hours of exercise distributed over a period of seven days. Such regulations as are reasonable and necessary to protect the facility's security and the inmates' welfare shall be included in such a program. In Type IV facilities, such a program can be either in-house or provided through access to the community.

(b) The facility administrator of a Type I facility shall make table games and/or television available to inmates.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

The ESC requested the **Programs and Services Workgroup** consider the input, giving attention to the following:

1. Regarding Rec A, exclude #3 of this recommendation.
2. Regarding Rec B, give consideration although outdoor recreation is not required; remove 'c' from consideration.

Rec A

At a minimum, this section should be revised to include the following changes:

1. The minimum number of hours for exercise distributed over a period of seven days should be significantly increased. **PSWG opted not to make this change.**
2. It should specify a minimum number of hours for exercise that must be provided *outside* over a period of seven days. **PSWG opted not to make this change.**
3. An increased number of minimum hours for exercise and recreation may be required for inmates with serious mental illness, as ordered by the responsible physician or psychiatrist, in consultation with the facility manager, to prevent worsening mental health symptoms or suicide. **PSWG opted not to make this change.**

References: 15 CCR § 3331(h); 15 CCR § 3343(h); *Thomas v. Ponder*, 611 F.3d 1144, 1151-52 (9th Cir. 2010); *Lopez v. Smith*, 203 F.3d 1122, 1132-33 (9th Cir. 2000) (en banc); *Keenan v. Hall*, 83 F.3d 1083, 1089-90 (9th Cir. 1996) *as amended* 135 F.3d 1318 (9th Cir. 1998); *Allen v. Sakai*, 48 F.3d 1082, 1088 (9th Cir. 1994); *Spain v. Procunier*, 600 F.2d 189, 199 (9th Cir. 1979); *Kane v. Pierce*, 2009 WL 160255, at *5 (E.D. Cal. Jan. 21, 2009).

Rec B

In-text Change: (a) The facility administrator of a Type II or III facility shall develop written policies and procedures for an exercise and recreation program, in an area designed for recreation; ~~which will allow a minimum of three hours of exercise distributed over a period of seven days.~~ ~~Such regulations~~ as are reasonable and necessary to protect the facility's security

and the inmates' welfare shall be included in such a program. In Type IV facilities, such a program can be either in-house or provided through access to the community.

In-text Addition: (c) In no case will the hours of exercise be less than one hour every day. In addition, the policies must proscribe at least three hours of time out of doors over a period of seven days. The minimum of ten hours per week will be provided during normal waking hours. **PSWG opted not to make this change.**

Rec C

Title 15 says inmates get 3 hours of yard per every 7 days. We recommend clarification that states we will give persons in administrative segregation at minimum 1 hour of dayroom time on a daily basis. **PSWG opted not to make this change.**

Rec D

Yard recreation time out: clarification is needed in the definition, is it a minimum of (3) hours out in the yard or does time spent out on unlock period in the housing unit count as yard recreation time out? If time out in the housing unit does not count as rec yard time out, then are we to do both? meaning (3) hours out in the rec yard plus (3) hours outside of the cell? for a total of (6) hours outside the cell a week? Placing inmates out in the rec yard becomes a movement issues at times. **PSWG opted not to make this change.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

The Programs and Services Workgroup discussed this regulation at length and determined that no changes would be recommended at this time. The group acknowledged that inmates may be sentenced for increasingly longer terms in local detention facilities and jail administrators should provide inmates as much out-of-cell time as possible. However, changing this Title 15 regulation

would be creating a mandate that many jurisdictions would be unable to meet. This is due to a number of factors.

To begin with, classification systems are becoming increasingly complicated due to the growing number of higher security inmates, inmates with behavioral issues, mentally ill inmates, and issues related to gender identity. This results in the need for facility administrators to restrict dayroom or outdoor exercise periods to one inmate at a time in some cases. Many jails do not have sufficient dayroom, recreation or outdoor exercise space to provide that opportunity for each inmate. Additionally, due to their location, some counties experience inclement weather, severely limiting the use of their outdoor exercise areas.

Other topics of discussion included the difference between "exercise" and "recreation." The group agreed not to define "recreation" at this time, determining that as written, the regulation provides flexibility to facility operators.

The use of the dayroom for exercise, as opposed to the exercise area required by Title 24, Section 1231.2.10, was also discussed. It was determined that as long as the dayroom is suitable for exercise (not being used as overflow housing), the dayroom is an appropriate space for the exercise of large muscle groups.

8. ESC Action/Response

1. Regulation and Recommended Revision

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

(a) The facility administrator of a Type II or III facility shall develop written policies and procedures which will permit inmates to purchase, receive and read any book, newspaper, periodical, or writing accepted for distribution by the United States Postal Service. Nothing herein shall be construed as limiting the right of a facility administrator to:

- (1) exclude any publications or writings based on any legitimate penological interest;
- (2) exclude obscene publications or writings, and mail containing information concerning where, how, or from whom such matter may be obtained; and any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence; any matter of a character tending to incite crimes against children; any matter concerning unlawful gambling or an unlawful lottery; the manufacture or use of weapons, narcotics, or explosives; or any other unlawful activity;
- (3) open and inspect any publications or packages received by an inmate; and
- (4) restrict the number of books, newspapers, periodicals, or writings the inmate may have in his/her cell or elsewhere in the facility at one time.

(b) The facility administrator of a Type I facility shall develop and implement a written plan to make available a daily newspaper in general circulation, including a non-English language publication, to assure reasonable access to interested inmates.

Note: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, Penal Code.

2. ESC Notes/Recommendations

Should include non-English newspapers. **PSWG opted not to make this change.**

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

The Programs and Services Workgroup discussed the ESC's recommendation to assure that non-English newspapers are allowed. The group felt that the regulation as written is sufficient.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1067. Access to Telephone.

The facility administrator shall develop written policies and procedures which allow reasonable access to a telephone beyond those telephone calls which are required by Section 851.5 of the Penal Code.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1068. Access to the Courts and Counsel.

The facility administrator shall develop written policies and procedures to ensure inmates have access to the court and to legal counsel. Such access shall consist of:

- (a) unlimited mail as provided in Section 1063 of these regulations, and,
- (b) confidential consultation with attorneys.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1069. Inmate Orientation.

(a) In Type II, III, and IV facilities, the facility administrator shall develop written policies and procedures for the implementation of a program reasonably understandable to inmates designed to orient a newly received inmate at the time of placement in a living area. Such a program shall be published and include, but not be limited to, the following:

- (1) correspondence, visiting, and telephone usage rules;
- (2) rules and disciplinary procedures;
- (3) inmate grievance procedures;
- (4) programs and activities available and method of application;
- (5) medical services;
- (6) classification/housing assignments;
- (7) court appearance where scheduled, if known; and,
- (8) voting, including registration.

(b) In Type I facilities, the facility administrator shall develop written policies and procedures for a program reasonably understandable to non-sentenced detainees to orient an inmate at the time of placement in a living area. Such a program shall be published and include, but not be limited to, the following:

- (1) rules and disciplinary procedures;
- (2) visiting rules;
- (3) availability of personal care items, opportunities for personal hygiene;
- (4) availability of reading and recreational materials; and,
- (5) medical/mental health procedures.

NOTE: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1070. Individual/Family Service Programs.

The facility administrator of a Type II, III, or IV facility shall develop written policies and procedures which facilitate cooperation with appropriate public or private agencies for individual and/or family social service programs for inmates. Such a program shall utilize the services and resources available in the community and may be in the form of a resource guide and/or actual service delivery. The range and source of such services shall be at the discretion of the facility administrator and may include:

- (a) ~~individual, group and/or family counseling~~risk and needs assessments;
- (b) ~~drug and alcohol abuse counseling~~best practices in ; :
 - (1) ~~community volunteers~~individual, group and/or family counseling;
 - (2) drug and alcohol abuse counseling;
 - (3) cognitive behavioral interventions;
 - (4) vocational testing and counseling;
 - ~~(e)~~(5) employment counseling;
- ~~(d)~~(c) vocational testing and counselingreferral to community resources and programs;
- ~~(d) employment counseling~~reentry planning and service development;
- (e) legal assistance;
- (f) ~~referral to community resources and programs~~regional center services for the developmentally disabled; and;
- (g) ~~prerelease and release assistance;~~community volunteers.
- ~~(h) legal assistance; and;~~
- ~~(i) regional center services for the developmentally disabled.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

To better reflect the needs of inmates, the range and source of services in this regulation was reordered and expanded.

In subsection (a), "individual, group and/or family counseling" was deleted and added to subsection (b)(1) under best practices.

In order to provide appropriate and relevant services to inmates in local detention facilities, a means of gathering information from an inmate is necessary. Risk and needs assessments are instruments that assist practitioners in collecting and synthesizing information about inmates. It was added to the top of the list of services to emphasize the importance of the assessment process.

"Drug and alcohol abuse counseling" was deleted in subsection (b) and moved to (b)(2) under best practices.

"Best practices" was added as subsection (b) to emphasize the importance of assuring that the services that follow in the new subsections (1) through (5) are proven effective.

"Cognitive behavioral interventions" was added to subsection (b)(3) because many inmates in local detention facilities suffer from a number of mental disorders. Including this in the list of services will assure that inmates receive needed treatment.

"Vocational testing and counseling" was moved from subsection (d) to (b)(4) because it fits under the umbrella of best practices.

"Employment counseling" was moved from subsection (e) to (b)(5) because it fits under the umbrella of best practices.

"Referral to community resources and programs" was moved from subsection (f) to (c).

In subsection (d) "reentry planning and service development" replaced "prerelease and release assistance" because it is a more accurate description of services to be rendered.

"Legal assistance" was moved from subsection (f) to (e).

"Regional center services for the developmentally disabled" was moved from subsection (i) to (f).

"Community volunteers" was moved from subsection (c) to (g).

Subsections (h) and (i) were deleted because they were moved to subsections (e) and (f) respectively.

4. What is the operational impact that will result from this revision; how will it change operations?

For facilities that are not currently administering risk and needs assessments, policies and procedures may require amendment and staff training would be required.

Best practices in cognitive behavioral interventions could require appropriate staff to provide those services.

The addition of "reentry planning and service development" in lieu of "prerelease and release assistance" will not affect operations.

The remainder of changes to the list of services do not affect facility operations.

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

For facilities that are not currently administering risk and needs assessments there would be a fiscal impact because policies and procedures may require amendment and staff training would be required. The increased costs are justified by the improvement in the quality and delivery of services to inmates.

Best practices in cognitive behavioral interventions could require appropriate staff to provide those services. The increased costs are justified by the improvement in the quality and delivery of services to inmates.

The addition of "reentry planning and service development" in lieu of "prerelease and release assistance" will not result in a fiscal impact.

The remainder of changes to the list of services will not have a fiscal impact.

6. How will BSCC measure compliance with this revision?

This change will not affect how compliance is measured.

7. Summary of Workgroup Discussion and Intent

The Programs and Services Workgroup discussed the types of individual and/or family services that are important to provide inmates in local detention facilities. They agreed to reorder and expand that list to better reflect the needs of inmates.

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1071. Voting.

The facility administrator of a Type I (holding sentenced inmate workers) II, III or IV facility shall develop written policies and procedures whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections, pursuant to election codes.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1072. Religious Observances.

The facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures to provide opportunities for inmates to participate in religious services, practices and counseling on a voluntary basis.

NOTE: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response

1. Regulation and Recommended Revision

§ 1073. Inmate Grievance Procedure.

(a) Each administrator of a Type II, III, or IV facility and Type I facilities which hold inmate workers shall develop written policies and procedures whereby any inmate may appeal and have resolved grievances relating to any conditions of confinement, included but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding. Such policies and procedures shall include:

- (1) a grievance form or instructions for registering a grievance;
- (2) resolution of the grievance at the lowest appropriate staff level;
- (3) appeal to the next level of review;
- (4) written reasons for denial of grievance at each level of review which acts on the grievance;
- (5) provision for response within a reasonable time limit; and,
- (6) provision for resolving questions of jurisdiction within the facility.

(b) Grievance System Abuse:

The facility may establish written policy and procedure to control the submission of an excessive number of grievances.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

2. ESC Notes/Recommendations

n/a

3. a.) What existing problem is being addressed by this revision? b.) How will this revision address/fix the problem? (What is the rationale?)

No amendments were made by the Programs and Services Workgroup.

4. What is the operational impact that will result from this revision; how will it change operations?

5. a.) What is the fiscal impact that will result from this revision? b.) How can it be justified?

6. How will BSCC measure compliance with this revision?

7. Summary of Workgroup Discussion and Intent

8. ESC Action/Response