

Title 15 Minimum Standards For Local Detention Facilities

Title 15-Crime Prevention and Corrections

Division 1, Chapter 1, Subchapter 4

Text of Modified Regulations



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

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The BSCC has illustrated changes to the original text in the following manner:

Regulation originally proposed is underlined; deletions are shown in ~~strikeout~~

Additions to the language originally proposed are double-underlined; deletions are shown in ~~double-strikeout~~

Editorial Corrections:

Text shown in [brackets] requires the following editorial corrections:

- **Section 1024:** *The bracketed text in the first paragraph was included in error. The term “inmate” is neither existing regulation, nor proposed. The term “inmate” will not appear in the final text.*
- **Section 1029:** *The bracketed text in proposed subsection 1029(a)(12) was included in error. The term “the individual” is neither existing regulation, nor proposed. The term “the individual” will not appear in the final text.*
- **Section 1058:** *The bracketed text in subsection 1058(b)(3) is a part of the existing regulation and is proposed for deletion; it was underlined in error.*
- **Section 1061:** *The bracketed text will not appear in the final text of the regulations. The phrase “A person may be provided m” is not part of the existing regulation, nor is it proposed.*
- **Section 1083:** *The bracketed text in the first paragraph will not appear in the final text of the regulations. The word “and” is not part of the existing regulation, nor is it proposed.*
- **Section 1106:** *The bracketed text “;and,” in subsection 1106(d)(6) will be removed in the final text as it is not part of the existing regulation, nor is it proposed. The period (“.”) in brackets was erroneously shown in ~~strikeout~~ in the originally proposed text; the period is not proposed for removal and will be shown in the final text of the regulations.*

§ 1024. Court Holding and Temporary Holding Facility Training.

At a minimum, all supervisors of, and personnel who supervise [inmates]incarcerated persons in, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized corrections training. Custodial personnel who supervise inmates in, and supervisors of, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized training. Such training shall include, but not be limited to:

- (a) applicable minimum jail standards;
- (b) jail operations liability;
- (c) inmate segregationseparation of incarcerated persons;
- (d) emergency procedures and planning, fire and life safety; and;
- (e) suicide prevention;
- (f) de-escalation;
- (g) juvenile procedures;
- (h) racial bias; and,
- (e)(i) mental illness.

Such training shall be completed as soon as practical, but in any event not more than six months after the date of assigned responsibility, ~~or the effective date of this regulation.~~ Successful completion of Core training or supplemental Core training, pursuant to Section 1020, Corrections Officer Core Course, may be substituted for the initial eight hours of training.

A total of Eeight hours of refresher training shall be completed once every two years. Successful completion of the requirements in Section 1025, Continuing Professional Training may be substituted for the eight-hour refresher.

Each agency shall determine if additional training is needed based upon, but not limited to, the complexity of the facility, the number of ~~inmates~~people incarcerated, the employees' level of experience and training, and other relevant factors.

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

§ 1029. Policy and Procedures Manual.

Facility administrator(s) shall develop and publish a manual of policy and procedures for the facility. The policy and procedures manual shall address all applicable Title 15 and Title 24 regulations and shall be comprehensively reviewed and updated at least every two years. Such a manual shall be made available to all employees.

- (a) The manual for Temporary Holding, Type I, II, and III facilities shall provide for, but not be limited to, the following:
 - (1) Table of organization, including channels of communications.
 - (2) Inspections and operations reviews by the facility administrator/manager.
 - (3) Policy on the use of force that meets current state and federal legal requirements and includes prohibition of the use of carotid restraint and choke holds.

- (4) Policy on the use of restraint equipment, including the restraint of pregnant ~~inmates~~persons as referenced in Penal Code Section 3407.
 - (5) Procedure and criteria for screening newly received ~~inmates~~persons for release, ~~per Penal Code sections 849(b)(2) and 853.6, and any other such processes as the facility administrator is empowered to use.~~
 - (6) Security and control including physical counts of ~~inmates~~and searches of the facility and ~~inmates~~incarcerated persons, contraband control, and key control. Each facility administrator shall, at least annually, review, evaluate, and make a record of security measures. The review and evaluation shall include internal and external security measures of the facility including security measures specific to prevention of sexual abuse and sexual harassment.
 - (7) Emergency procedures include:
 - (A) fire suppression preplan as required by section 1032 of these regulations;
 - (B) escape, disturbances, and the taking of hostages;
 - (C) mass arrests;
 - (D) natural disasters;
 - (E) periodic testing of emergency equipment; and,
 - (F) storage, issue, and use of weapons, ammunition, chemical agents, and related security devices.
 - (8) Suicide Prevention.
 - (9) ~~Segregation~~Separation of Inmates~~incarcerated persons.~~
 - (10) Zero tolerance in the prevention of sexual abuse and sexual harassment.
 - (11) Policy and procedure to detect, prevent, and respond to retaliation against any staff or inmate person after reporting any abuse.
 - ~~(14)~~(12) Release policy, including release planning for [the individual] incarcerated persons.
- (b) The policies and procedures required in subsections (a)(6) and (a)(7) may be placed in a separate manual to ensure confidentiality.
 - (c) The manual for court holding facilities shall include all of the procedures listed in subsection (a), except number (5).
 - (d) The manual for Type IV facilities shall include, in addition to the procedures required in subsection (a), except number (5), procedures for:
 - (1) accounting of ~~inmate~~funds belonging to incarcerated people;
 - (2) community contacts;
 - (3) field supervision;
 - (4) temporary release; and
 - (5) obtaining health care.
 - (e) The manual for Temporary Holding, Court Holding, Type I, II, III, and IV facilities shall provide for, but not be limited to, the following:
 - (1) multiple internal ways for ~~inmates~~incarcerated people to privately report sexual abuse and sexual harassment, retaliation by other ~~inmates~~incarcerated persons or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents,

- (2) a method for uninformed ~~inmates~~incarcerated persons, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting shall be publicly posted at the facility.

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

§ 1058. Use of Restraint Devices.

The facility administrator, in cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of restraint devices. Restraint devices include any devices which immobilize extremities or prevent the incarcerated person from being ambulatory. The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain incarcerated people for security reasons. ~~and~~ The facility manager may delegate authority to place an inmate~~incarcerated person~~ in restraints to a responsible health care staff. ~~In addition to the areas specifically outlined in this regulation, at a minimum,~~

(a) The policy shall address the following areas:

- (1) acceptable restraint devices;
- (2) signs or symptoms which should result in immediate medical/mental health referral; availability of cardiopulmonary resuscitation equipment;
- (3) protective housing of restrained persons;
- (4) provision for hydration and sanitation needs; and,
- (5) exercising of extremities.

(b) Policy shall also include, but not be limited to, the following requirements:

- (1) In no case shall restraints be used for punishment or as a substitute for treatment.
- (2) Restraint devices shall only be used on inmates~~incarcerated people~~ who display behavior which results in the destruction of property or reveal an intent to cause physical harm to self or others. ~~Restraint devices include any devices which immobilize an inmate's extremities and/or prevent the inmate from being ambulatory. Physical restraints~~
- (3) Restraint devices should be~~utilized~~used only when ~~[it appears]~~less restrictive alternatives, ~~[would be ineffective in controlling the disordered behavior]~~including verbal de-escalation techniques, have been attempted and are deemed ineffective.
- (4) Inmates~~An incarcerated person~~ shall be placed in restraints only with the approval of the facility manager, the facility watch commander, or responsible health care staff; continued retention shall be reviewed a minimum of every hour.
- (5) Continuous direct visual observation shall be maintained until a medical opinion can be obtained.
- (6) A medical opinion on placement and retention shall be secured within one hour from the time of placement.
- (7) A medical assessment shall be completed within four hours of placement.

- (8) Continuous direct visual observation shall be conducted at least twice every thirty minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the incarcerated person. Such observation shall be documented. While in restraint devices all incarcerated persons shall be housed alone or in a specified housing area which makes provisions to protect the person from abuse.
- (9) If the facility manager, or designee, in consultation with responsible health care staff determines that an inmateincarcerated person cannot be safely removed from restraints after eight hours, the inmateperson shall be taken to a medical facility for further evaluation.
- (10) Where applicable, the facility manager shall use the restraint device manufacturer's recommended maximum time limits for placement.
- (11) All events and information related to the placement in restraints shall be documented and shall be video recorded unless exigent circumstances prevent staff from doing so. The documentation shall include: the reason for placement; person authorizing placement; names of staff involved in the placement; injuries sustained; and the duration of placement.

~~Direct visual observation shall be conducted at least twice every thirty minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the inmate. Such observation shall be documented. While in restraint devices all inmates shall be housed alone or in a specified housing area for restrained inmates which makes provisions to protect the inmate from abuse.~~

~~The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain inmates for security reasons.~~

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

§ 1061. Inmate Education Plan.

The facility administrator of any Type II or III facility shall plan and shall request of appropriate public officials an inmateeducation program for incarcerated persons. 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, or both, education of housed inmatespeople. Reasonable criteria for program eligibility shall be established. ~~[A person may be provided m]~~Modified academic or vocational opportunitiesand an inmate may be excluded or removed may be provided based on sound security practices or a person's failure to abide by facility rules and regulations.

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

§ 1083. Limitations on Disciplinary Actions.

The Penal Code and the State Constitution expressly prohibit all cruel and unusual punishment. Disciplinary actions shall not include corporal punishment, group punishment when feasible, [and]or physical or psychological degradation.

Additionally, there shall be the following limitations:

(a) Disciplinary separation shall be considered an option of last resort and as a response to the most serious and threatening behavior, for the shortest time possible, and with the least restrictive conditions possible.

(1) If an inmate person is on disciplinary separation status for 30 consecutive days there shall be a review by the facility manager before the disciplinary separation status is continued. This review shall include a consultation with health care staff. Such reviews shall continue at least every fifteen days thereafter until the disciplinary status has ended. This review shall be documented.

(2) The disciplinary separation cells or cell shall have the minimum furnishings and space specified in Title 24, Part 2, 1231.2.6 and 2.7. Occupants shall be issued clothing and bedding as specified in Articles 13 and 14 of these regulations and shall not be deprived of them through any portion of the day except that those inmates incarcerated persons who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive inmate a person of such articles of clothing and bedding shall be reviewed by the facility manager or designee during each 24 hour period.

~~(2)~~(3) If after placement in separation, mental health or medical staff determine that an individual has serious mental illness or an intellectual disability, they shall be removed from disciplinary separation immediately upon this determination.

~~(a)~~(b) Penal Code Section 4019.5 expressly prohibits the delegation of authority to any inmate incarcerated person or group of inmates incarcerated people to exercise the right of punishment over any other inmate incarcerated person or group of inmates incarcerated people.

~~(b)~~(c) In no case shall a safety cell, as specified in Title 24, Part 2, 1231.2.5, or any restraint device be used for disciplinary purposes.

~~(c)~~(d) No inmate incarcerated person may be deprived of the implements necessary to maintain an acceptable level of personal hygiene as specified in Section 1265 of these regulations.

~~(d)~~(e) Food shall not be withheld as a disciplinary measure.

~~(e) The disciplinary separation diet described in section 1247 of these regulations shall only be utilized for major violations of institutional rules.~~

~~(1) In addition to the provisions of Section 1247, the facility manager shall approve the initial placement on the disciplinary separation diet and ensure that medical staff is notified.~~

~~(2) In consultation with medical care staff, the facility manager shall approve any continuation on that diet every 72 hours after the initial placement.~~

(f) Correspondence privileges shall not be withheld except in cases where the inmate incarcerated person has violated correspondence regulations, in which case correspondence may be suspended for no longer than 72 hours, without the review and approval of the facility manager.

(g) In no case shall access to courts and legal counsel be suspended as a disciplinary measure.

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

§ 1106. Disciplinary Procedures.

Nothing in this regulation shall prevent the administrator from removing a detained minor from the general population or program for reasons of the minor's mental or physical health; or under any circumstances in which the safety of the minor, ~~other incarcerated adults inmates~~, staff, the program or community is endangered, pending a disciplinary action or review. With the exceptions noted below, the provisions of Sections 1080-1084 shall apply when a minor is involved in disciplinary actions.

- (a) ~~Minors requiring disciplinary confinement shall be housed only in living areas designated for the detention of minors~~ Pursuant to Welfare and Institutions Code Section 208.3, minors may not be placed in room confinement for disciplinary purposes.
- (b) Permitted forms of discipline include:
 - (1) temporary loss of privileges; and,
 - (2) loss of privileges mandated by applicable regulations~~disciplinary confinement~~.
- (c) Access to visitation and recreation shall be restricted only after a second level review by a supervisor or manager; and shall not extend beyond five days without subsequent review.
- (d) ~~A status review shall be conducted for those minors placed in disciplinary confinement no less than every 24 hours.~~
- (e)(d) Prohibited forms of discipline include:
 - (1) discipline that does not fit the violation;
 - (2) corporal punishment;
 - (3) ~~inmate imposed discipline~~ imposed by incarcerated persons;
 - (4) placement in safety cells, sobering cells, or any other cell not specifically designated for the detention of minors;
 - (5) deprivation of food; and,
 - (6) room confinement~~;~~
 - (6) ~~the adult disciplinary diet~~~~[-]~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code; and Section 208.3, Welfare and Institutions Code.