

DATE: June 9, 2016 **AGENDA ITEM:** C

TO: BSCC Chair and Members

FROM: Allison Ganter, Deputy Director, allison.ganter@bscc.ca.gov

SUBJECT: Proposed Revisions: Minimum Standards for Local Detention Facilities, Title 15 and Title 24, Executive Steering Committee's Recommendations: **Requesting Approval**

Summary

Pursuant to Penal Code Section 6030, the Board of State and Community Corrections (BSCC) is required to biennially review, and revise if necessary, the Minimum Standards for Local Detention Facilities.

BSCC staff is requesting approval of the Executive Steering Committee (ESC) recommendations for regulation revisions, with one exception, and approval to proceed with the 45-day public comment period in accordance with the Administrative Procedures Act (APA) for regulation revision and adoption.

Background

At the July 2014 meeting, the BSCC Board directed staff to begin the Adult Titles 15 and 24 regulation revision process, and appointed Board Member Geoff Dean as Chair of the ESC, and Santa Ana Chief of Police Carlos Rojas as Co-chair. The ESC met in August 2015 and reviewed all relevant regulations, critical issues and feedback from the field related to potential revisions. The ESC recommended several revisions to regulations and directed staff to convene eight subject matter workgroups to consider the recommendations and propose revised regulations for ESC review. The workgroups addressed the following subject matter areas:

1. Administration
2. Classification and Discipline
3. Programs and Services
4. Minors in Detention
5. Medical and Mental Health
6. Nutritional Health
7. Environmental Health
8. Physical Plant (Title 24)

The workgroups met during January 2016, and presented the ESC with proposed revisions on March 30, 2016. After considering these recommendations and additional public comment, the ESC developed final recommendations for proposed revisions for BSCC Board approval. The ESC approved most of the workgroup's recommendations and made modifications to others. Attachment A contains the proposed regulation revisions and Attachment B contains each individual workgroup recommendations and ESC input and approval.

Highlights of revisions include: creating a new regulation for suicide prevention based on data and national best practices, increasing the time for in-person reviews of inmates in safety cells, improving the disciplinary process regulation to reflect case law and best practices, creating a separate regulation for safety checks that clarifies that no more than 60 minutes shall pass between checks, and updating nutritional regulations to reflect the new dietary guidelines, including reducing sugar and sodium intake.

Staff recommends a departure from the ESC's proposed revision to Title 15, Section 1006, Definitions, and Section 1062, Visiting. With the introduction of Senate Bill (SB) 1157 (Mitchell) (Attachment C-3), there is potential for statutory change related to visitation at the local detention facility level. If passed and signed into law, SB 1157 would prescribe requirements for visitation; the current regulation would allow facility administrators the flexibility to comply with such requirements. Staff recommends that the BSCC Board forego the revision to Title 15, Section 1062, Visiting, keeping the regulation unchanged from its current version, pending further legislative action. Staff also recommends that the three definitions proposed that relate to visiting not be proposed at this time.

Upon BSCC approval, staff will prepare the documents necessary to begin the APA, including publication in the California Notice Register. Staff will also schedule public hearings in accordance with the APA.

Recommendation/Action Needed

Staff recommends approval of proposed revisions, with the exception of definitions related to visiting in Title 15, Section 1006, Definitions and Title 15, Section 1062, Visiting. If approved, Section 1062 would not be revised as proposed in Attachments C-1, page 36, and would continue to provide:

- (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 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.

Staff also recommends that the Board direct staff to begin the Administrative Procedures Act and publish notice of regulatory action in the California Regulatory Notice Register.

Attachments

C-1: Adult Titles 15 and 24, Proposed Revisions in Strike Out and Underline

C-2: Adult Titles 15 and 24, Executive Steering Committee Recommendations to the BSCC

C-3: Senate Bill 1157 (Mitchell) as amended May 31, 2016