

**Adult Titles 15 and 24 Regulations Revision
Executive Steering Committee Meeting Notes and Discussion
December 2, 2019
Board of State and Community Corrections
2590 Venture Oaks Way
Sacramento CA 95618**

Present:

Brandon Barnes, Chair
Jonathan Haught
Matthew Schuler
Jerry Gutierrez
Dave Kent
Christine Brown-Taylor
Erin Winger
Cynthia Borges
Abré Conner

Pamila Lew
Rick Heyer
Adolfo Gonzales
Eugene Dey

BSCC Staff:

Allison Ganter
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Ginger Wolfe

- I. The Executive Steering Committee (ESC) members introduced themselves and provided information about their subject matter expertise. A goal for the meeting was to review and discuss the material provided to them (Attachment A) and provide specific direction to BSCC staff and designated workgroups for development of proposed regulation revisions.
- II. ESC discussions, notes and direction are contained in Attachment A. The ESC directs that all workgroups:
 - Consider how trauma informed care can be incorporated into regulations.
 - Review regulations for the presence of “and/or” in ALL regulations and revise for accuracy and clarity, cleaning up the language when possible.
 - Consider definitions in all regulations:
 - Is there an existing definition for the terms in regulation?
 - Does it need to be clarified or updated?
 - Do new definitions need to be added?
 - Is a term obsolete and should be omitted?
 - Consider whether each proposed revision is a minimum standard that all counties can implement and achieve compliance with, and whether a revision can be measured/inspected by BSCC.

- Consider the the impact of minimum standards on smaller, rural, or remote counties.
- Consider whether proposed regulations consider the needs of all inmates, including, but not limited to: LGBTQ+ populations, female populations, etc.

III. The ESC agreed to convene the following subject matter workgroups to review their recommendations, in addition to all regulations in that subject matter area, and present their proposed revisions to the ESC at a date to be determined:

- **Administration** (Articles 1-4, except for 1030, Suicide Prevention Program, which will be reviewed by the Classification, Segregation and Discipline Workgroup)
- **Classification, Segregation, and Discipline** (Articles 5 and 7 and Section 1030, Suicide Prevention Program)
- **Programs and Services** (Article 6)
- **Minors in Detention** (Articles 8-10)
- **Medical and Mental Health** (Article 11)
- **Nutritional Health** (Article 12)
- **Environmental Health** (Article 12)
- **Physical Plant** (Title 24)
- **Temporary Holding Facilities and Type I Facilities**
 - Examine the impact of regulations on facilities with varying operations and determine if minimum standards should be scaled to the type of operation.
- **Safe Release of Inmates/Transportation**
 - Examine the recently vetoed SB 42 and the safe release of persons from jail, particularly in the late night.

The ESC requested that the Medical and Mental Health Workgroup, Temporary Holding Facilities and Type I Facilities Workgroup, and Safe Release of Inmates Workgroups meet prior to the remaining workgroups. This will ensure that areas of overlap can be considered by each workgroup.

IV. The ESC will reconvene subsequent to the workgroup meetings; each workgroup will present their proposed revisions to the ESC for consideration. Those regulation revisions that the ESC approves will be forwarded to the BSCC Board for final approval and eventual adoption by the Office of Administrative Law and the Building Standards Commission.

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Legislation Affecting Jail Operations	
Discussion	<ul style="list-style-type: none"> Below is a list of chaptered legislation affecting jail operations for review. Items may come up for discussion by ESC or workgroups.
Resources	2018/2019 Chaptered Legislation
ESC Notes	BSCC Staff will keep all workgroups apprised of applicable legislation, such as AB 2507 (<i>County jails: infant and toddler breast milk feeding policy/ "The Lactation Bill"</i>).
Forward to WG?	x Yes If YES, which subject area workgroup(s)? All Workgroups

Impact of Minimum Standards on Counties with Varying Average Daily Populations	
Discussion	<ul style="list-style-type: none"> • Titles 15 and 24 minimum standards are intended to apply to all local detention facilities without regard to population size or resources. • Are current minimum standards reflective of the ability of agencies of diverse and varying populations and resources to comply?
Public Comment	<ul style="list-style-type: none"> • BSCC staff recommends that a sub-workgroup be convened to discuss these issues and provide feedback to larger subject matter workgroups.
Resources	Jail Populations Trends (BSCC Jail Profile Survey) INCLUDES County by County Data
ESC Notes	<p>The ESC discussed the issues that facilities with lower populations face when attempting to comply with regulations. The ESC elected to not convene a workgroup devoted entirely to smaller population facilities; the consensus was that all facilities should be able to meet minimum standards.</p> <p>While the ESC recognized that there may be less resources available in smaller counties and facilities, all workgroups should consider these nuances when reviewing and revising regulations and consider if minimum standards can be met by every county, regardless of size.</p> <p>The ESC recommended that all workgroups discuss the impact of LGBTQ+ population needs and how they can be addressed in regulation.</p> <ul style="list-style-type: none"> • Are counties providing adequate resources and services for LGBTQ+ populations? • Are there guiding principles that agencies can refer to when considering the needs of LGBTQ+ individuals in custody?
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? All Workgroups</p>

Type I and Temporary Holding Facilities

Discussion	<ul style="list-style-type: none"> Type I facilities are authorized to hold prisoners up to 96 hours, unless an inmate is sentenced; Temporary Holding facilities may hold persons up to 24 hours. Type I facilities are held to many of the same standards as Type II Jails; Temporary Holding facilities are held to some of these same standards. Should a separate workgroup identify areas where minimum standards for Type I or TH jails should be scaled to their operation to ensure best practices and ability to comply with regulation? See public comment.
Public Comment	<ul style="list-style-type: none"> BSCC staff recommends that a sub-workgroup be convened to discuss these issues and provide feedback to larger subject matter workgroups. <p><i>Submitted by the Shafter Police Department:</i></p> <ul style="list-style-type: none"> Would like separated section or article that applies to temporary holding facilities because much of the regulations are not needed or realistic because they are not within the normal parameters of Temporary Holding Facility practices. There are many sections that technically apply to THs, but they involve activities or actions that are not completed by THs. The regulations should be streamlined for TH daily practices with essential regulations. For example, restraint chairs are not used by THs. the sections pertaining to restraint chairs don't apply. So the training component should be eliminated if agency does not use restraint chairs as it is a waste of time.
ESC Notes	<p>The ESC discussed the need for, and agreed to create, a separate workgroup to review regulations and address issues specific to Type I and Temporary Holding Facilities.</p> <p>The Type I and Temporary Holding Facilities Workgroup must include representatives of various geographic areas, county and facility size, and will:</p> <ul style="list-style-type: none"> Review all regulations in Title 15 and 24, considering if and how, each applicable regulation: <ul style="list-style-type: none"> Could be broken out into separate sections for each of the different facility types, or Could clearly state which type of facilities it applies to. <p>The desired outcome is to provide clarity as to which regulations are applicable to Type I and Temporary Holding Facilities. The workgroup should also refer to Section 1010, Applicability of Standards.</p>
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Type I and Temporary Holding Facilities Workgroup</p>

Use of Terminology Throughout Regulations	
Discussion	<ul style="list-style-type: none"> • Each workgroup should review the use of the term “and/or” in all regulations to ensure accuracy and clarity. <ul style="list-style-type: none"> ○ During the BSCC’s involvement in a lawsuit requiring agencies to provide feminine hygiene products free of charge, attention was called to the use of the term “and/or” in the regulation. ○ BSCC updated the regulation as a result of the suit to require that all feminine hygiene products are provided free of charge, not just one or the other product.
Resources	<p><i>Example:</i></p> <p>§1265. Issue of Personal Care Items (<i>Excerpt, previous language in strikeout, revised language in underline</i>)</p> <p>There shall be written policies and procedures developed by the facility administrator for the issue of personal hygiene items. Each female inmate shall be issued sanitary napkins and/or tampons as needed. <u>Each female inmate shall be provided with sanitary napkins, panty liners, and tampons as requested.</u></p>
ESC Notes	The ESC agreed that clarity is necessary. All workgroups should review their assigned regulations and be mindful of the language, “and/or”.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? All Workgroups</p>

BSCC Enforcement of Regulations	
Public Comment	<p><i>Submitted by Juliet Leftwich, Attorney and Criminal/Social Justice Advocate</i></p> <ul style="list-style-type: none"> The BSCC should consider potential ways to increase its ability, and the ability of inmates, to enforce the provisions of Title 15.
ESC Notes	<p>The ESC discussed and agreed that regulations provide important protections for inmates and staff when they have the force of law, but acknowledged that giving BSCC the ability to enforcement the regulations was not within Title 15. The ESC also discussed the possibility of making BSCC’s funding opportunities compliance-dependent; however, BSCC staff stated that compliance-dependent funding was not a subject that can be addressed in the minimum standards for local facilities (Title 15).</p>
Forward to WG?	<input checked="" type="checkbox"/> No

Transportation of Persons Released Late at Night	
Discussion	There is no existing regulation for this topic; the ESC should revise Title 15 to provide minimum standards regarding the provision of transportation for inmates who are released late at night.
Public Comment	<p><i>Submitted by Juliet Leftwich, Attorney and Criminal/Social Justice Advocate</i></p> <ul style="list-style-type: none"> The ESC should revise Title 15 to provide minimum standards regarding the provision of transportation for inmate who are released late at night. The need for the creation of these standards is evidenced by the fact that an inmate who was released from Santa Rita Jail last year at 1:30 a.m. was found dead at the BART station at 4:30 a.m. No arrangements for transportation had been made on her behalf and she was left to walk to BART alone.
ESC Notes	<p>The ESC discussed the complexities of organizing overnight transportation programs, considering the differing abilities and resources of facilities across the state. Requiring such a program in Title 15 could be complicated considering that some inmates do not have a specific destination when released and that BSCC regulations do not apply outside of the detention facility.</p> <p>The ESC agreed to forward the issue to a separate workgroup on transportation that will review Senate Bill 42 (The Getting Home Safe Act, Vetoed by Governor Newsom on 10/12/2019) and the possibility of creating overnight transportation and safe places to wait requirements in Title 15.</p> <ul style="list-style-type: none"> BSCC Staff will provide Senate Bill 42 and veto message to workgroup
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Transportation</p>

§1006, Definitions	
Discussion	<ul style="list-style-type: none"> • Each workgroup should pay close attention to the terms used in regulations and whether or not: <ul style="list-style-type: none"> ○ There is a definition attached to the regulation ○ Definitions need to be clarified or updated ○ Definitions need to be added
Applicable Regulations	Title 15, CCR, § 1006. Definitions
ESC Notes	<p>Forward to all Workgroups. Each Workgroup should review regulation language, paying attention to terms that need definition or clarity (<i>such as “supervision” that is used but not defined in Section 1006</i>).</p> <p>Workgroups should consider:</p> <ul style="list-style-type: none"> • Is there an existing definition for the regulation? • Does it need to be clarified or updated? • Do new definitions need to be added? • Is a term obsolete and should be omitted?
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? All Workgroups</p>

§1027.5, Safety Checks	
Discussion	<ul style="list-style-type: none"> Title 15 doesn't require an agency to review their completion of safety checks; many agencies conduct such a review anyway. Should there be a requirement for internal review of safety checks?
Applicable Regulations	<p>Title 15, CCR, § 1027.5. Safety Checks</p> <p>Safety checks shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60 minute lapse between safety checks. There shall be a written plan that includes the documentation of routine safety checks.</p>
ESC Notes	<p>The ESC acknowledged that an internal review of safety checks is an important practice that could be strengthened by revision to this regulation.</p> <p>A suggested revision:</p> <p style="text-align: center;"><i>Safety checks shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60 minute lapse between safety checks. There shall be a written plan that includes the documentation of routine safety checks <u>and a process to review completed safety checks.</u></i></p>
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Administration</p>

§1030, Suicide Prevention Program

<p>Discussion</p>	<ul style="list-style-type: none"> • What best practices related to recent attention on jail suicides could be incorporated into minimum standards? • Should agencies be required to conduct regular review of suicide hazards in local detention facilities?
<p>Applicable Regulations</p>	<p>Title 15, CCR, § 1029 (a) (9). Policy and Procedures Manual</p> <p>Title 15, CCR, § 1030. Suicide Prevention Program</p> <p>Title 15, CCR, § 1055. Use of Safety Cell</p> <p>Title 15, CCR, § 1207. Medical Receiving Screening</p>
<p>Resources</p>	<p>Lindsay Hayes’ Report on Suicide Prevention Practices within the San Diego County Jail System</p> <p>ProPublica Article on Suicide In Kern County</p> <p>Institute for Medical Quality standards</p> <p>National Commission on Correctional Health Care standards</p> <p>Coleman v. Plata (CDCR)</p>
<p>Notes</p>	<p>The ESC discussed:</p> <ul style="list-style-type: none"> • suicide prevention best practices; • physical plant issues and suicide prevention; • prevention, assessment and treatment options; • recent media attention on suicides; • recent litigation involving suicides; • regional medical and mental health partnerships; • mental health evaluations prior to disciplinary housing assignments and following return from court, particularly for those involved in high-profile cases; and, • resources that could be provided to Workgroups such as NCCHC’s recent publication regarding suicide prevention, the Institute for Medical Quality standards, and Lindsay Hayes’ report on suicide prevention (San Diego and Sacramento) <p>The ESC decided to have Section 1030 reviewed by two Workgroups (1st – Medical and Mental Health, 2nd – Classification). Workgroups should be mindful of the abilities and expenses of agencies to mitigate issues through construction. Changes to physical plant can trigger new building standards or different ADA requirements and be costly. Section 1030 focuses on staff and programs; workgroups should consider if suicide hazards belong in Section 1030.</p> <ul style="list-style-type: none"> • BSCC Staff will provide NCCHC best practices and other applicable studies and standards.

	<ul style="list-style-type: none"> • BSCC Staff will schedule the Medical and Mental Health Workgroup to meet first, forwarding all comments and suggestions regarding Section 1030 to the Classification Workgroup. • Workgroups should have representatives of counties who have experience with suicide litigation and scrutiny.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? (1) Medical and Mental Health, (2) Classification</p>

§1050, Classification	
Public Comment	<p><i>Submitted by the Merced County Sheriff's Office:</i></p> <ul style="list-style-type: none"> The ESC should review the overall classification process based on new level of inmates being housed in local detention facilities after AB109.
Applicable Regulations	Title 15, CCR, § 1050. Classification Plan
ESC Notes	The ESC discussed MCSO's comment, but were unclear on the suggestion being made. They elected to not forward to a workgroup at this time. BSCC Staff may follow up with MCSO; upon clarification, a decision will be made to forward to the appropriate workgroup.
Forward to WG?	<p><input checked="" type="checkbox"/> No</p> <p>If YES, which subject area workgroup(s)?</p>

<p>§1052, Mentally Disordered Inmates</p> <p>Mental Health Assessments Upon Return to Custody</p>	
Discussion	<ul style="list-style-type: none"> • Should Title 15 require mental health assessments when inmates return to custody after sentencing, bail enhancement, or from court following high-profile cases? • Should assessments be required after all returns to custody?
Resources + Potential Revisions	<p>Title 15, CCR, §§ 1052. Mentally Disordered Inmates</p> <p>The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures to identify and evaluate all <u>persons at risk</u> mentally disordered inmates, and may include telehealth. If an evaluation from medical or mental health staff is not readily available, an inmate shall be considered mentally disordered for the purpose of this section if he or she appears to be a danger to himself/herself or others or if he/she appears gravely disabled. An evaluation from medical or mental health staff shall be secured within 24 hours of identification or at the next daily sick call, whichever is earliest. Segregation may be used if necessary to protect the safety of the inmate or others.</p>
ESC Notes	<p>The ESC discussed terminology (<i>mentally disordered</i>) as being outdated and undefined in Section 1006. There were many questions around who meets the definition of a “mentally disordered inmate,” how staff would identify inmates who are “mentally disordered,” and the diagnosis or discovery process. Suggestions for rewording are contained above. Not all persons requiring assessment or mental health care are currently exhibiting a “mental disorder.”</p> <p>The workgroup also discussed how to capture those individuals who don’t have a mental health diagnosis, but are at risk. The regulation could be clarified to indicate who could notify mental health that a person may need services; policy and procedures should clarify what may signal that a person is at risk or requires assessment and that all staff may trigger a review or assessment.</p> <p>The Classification and Medical and Mental Health Workgroups will review this section and will consider:</p> <ul style="list-style-type: none"> • A “mentally disordered” inmate <i>may not</i> be an inmate who has been identified as having mental health needs or a diagnosis; it could be an inmate dealing with stress, or someone who needs protection.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? (1) Medical and Mental Health, (2) Classification</p>

§1053, Administrative Segregation	
Public Comment	<p><i>Submitted by Merced County Sheriff's Office</i></p> <p>Word change for Administrative segregation regarding time allowed before notification is required. Inmate discipline time for review and investigations.</p>
Applicable Regulations	<p>Title 15, CCR, § 1053. Administrative Segregation</p>
ESC Notes	<p>The ESC was unclear about the intent behind this comment; however, the ESC discussed the regulation and offered some considerations for the Classification Workgroups:</p> <ul style="list-style-type: none"> • The differences between administrative segregation, isolation, and solitary confinement are not clear in regulation. • Administrative segregation is different than other forms of “isolation” in that there is no default loss of privileges. Administrative segregation can be considered a classification; should there be a reasonable amount of time that this classification is reviewed? • The workgroup should review recent remediation plans to understand litigation around administrative segregation and isolation. • Language (<i>prone to: promote activity or behavior that is criminal...</i>) should be reviewed and updated for clarity.
Forward to WG?	<p>X Yes</p> <p>If YES, which subject area workgroup(s)? Classification, Segregation, and Discipline. This regulation should be reviewed along with the topic of Solitary Confinement.</p>

Solitary Confinement	
Discussion	<ul style="list-style-type: none"> • Title 15 currently allows inmates to serve 24-hours, short term lockdown and disciplinary separation as a disciplinary consequence (referred to as “punitive actions” in T15). <ul style="list-style-type: none"> ○ Disciplinary separation is defined as, “punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit.” • Given recent attention to solitary confinement, should disciplinary consequences, including time limits in separation, be reconsidered? • Detention, medical, and mental health implications.
Applicable Regulations	<p>Title 15, CCR, § 1053. Administrative Segregation</p> <p>Title 15, CCR, § 1082. Forms of Discipline</p> <p>Title 15, CCR, § 1083. Limitations on Disciplinary Actions</p>
Resources	<p>2015 Article on Solitary Confinement in CA Prisons</p> <p>National Commission on Correctional Health Care Position Statement on Solitary Confinement</p>
ESC Notes	This topic was discussed alongside Administrative Segregation above; resources should be shared with the workgroup.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Classification, Segregation, and Discipline. Should be reviewed with Section 1053, Administrative Segregation.</p>

High Risk/Special Housing

Discussion	<ul style="list-style-type: none"> • Safety Cells, Sobering Cells and Restraint Placements all require that these types of placements occur only when certain types of behavior are observed: <ul style="list-style-type: none"> ○ Safety Cell: “shall be used to hold only those inmates who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others.” ○ Sobering Cell: “shall be used for the holding of inmates who are a threat to their own safety or the safety of others due to their state of intoxication . . .” ○ Restraints: “shall only be used on inmates who display behavior which results in the destruction of property or reveal an intent to cause physical harm to self or others.” • Each regulation requires the facility administrator to develop policies and procedures that outline how the agency operationalizes use of these placements. • Should there be more prescriptive requirements for use of these placements outlined in Title 15? • Should be considered by both operational and medical and mental health workgroups.
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Resources	<p>Title 15, CCR, § 1055. Use of Safety Cell</p> <p>Title 15, CCR, § 1056. Use of Sobering Cell</p> <p>Title 15, CCR, § 1058. Use of Restraint Devices</p>
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Notes	<p>The ESC discussed how Sheriff’s Departments are using spaces in their facilities differently in order to meet the needs of their populations.</p> <p>In one county, safety cells are reserved for inmates who are truly at risk of harm to themselves or others. Inmates who are not actively at risk may be placed in a holding cell for observation if necessary. While holding cells may not be ideal for holding at-risk inmates, and doesn’t meet the requirements of a safety cell, there are not always options for “observation” cells.</p> <p>In another, dayroom space has been modified to include beds and a clear “perimeter” around the bed space, forming a “safe zone” for inmates who are at risk for self-harm, but are not actively at risk. Mental Health staff observe inmates in this area at all times. The space is used as a step-down between safety cell and general population.</p> <p>The ESC discussed the need for an “observation” cell or room for persons at risk of harm or suicide that could be a step-down or alternative to safety cells.</p> <p>The ESC is forwarding the discussion to the Classification, Segregation, and Discipline Workgroup to be reviewed alongside Sections 1055, Safety Cell, and 1056 Use of Sobering Cell.</p> <p>Additional considerations for the workgroup:</p>
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	<ul style="list-style-type: none"> • Whether NCCHC standards may be used as a guide. • Reviewing available best practices for at-risk inmates and high-risk placements. • Clarifying who should be housed in safety cells and if safety cells are unavailable, what requirements (such as observation) would be required for alternative spaces being used as described above. • How the regulations can legitimize the approaches that counties are using to provide safe, step-down spaces, keeping in mind that currently, the use of those spaces as described may not be in compliance with Title 15. Discuss the pros, cons, and safety issues that may come out of legitimizing such practices. <p>These issues must also be reviewed by the Medical and Mental Health Workgroup</p>
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? 1) Classification, Segregation, and Discipline. Should be reviewed with Sections 1055 and 1056, and 2) Medical and Mental Health</p>

§1058, Use of Restraints – Behavioral v. Safety and Security

Discussion	<ul style="list-style-type: none"> • Restraint use is limited to inmates who display behavior which results in the destruction of property or reveal an intent to cause physical harm to self or others and only when it appears less restrictive alternatives would be ineffective in controlling the disordered behavior. • This regulation should not apply to the application of restraints for safety and security; should Title 15 provide clarification and specify this? Should Title 15 specify requirements for the short-term use of restraints for safety, security, and transportation?
Public Comment	<ul style="list-style-type: none"> • BSCC staff recommends that the ESC review recent revisions to juvenile regulations that outlines requirements for restraints used for movement and transportation rather than behavioral purposes.
Applicable Regulations	Title 15, CCR, § 1058. Use of Restraint Devices
Resources	Juvenile Title 15, CCR, § 1358.5. Use of Restraint Devices for Movement and Transportation within the Facility
ESC Notes	<p>The ESC discussed how smaller counties will often use restraints because they have limited options and how there should be medical consideration when using restraints.</p> <p>The Workgroup should review and consider the following:</p> <ul style="list-style-type: none"> • Current Title 15 restraint regulations for Juvenile Facilities. • Litigation related to restraints and restraint chairs. • Other methods of restraint and whether they need to be addressed and regulated. • If, and how, trauma-informed care can be addressed. • Creation of a stand-alone regulation for the use of restraint chairs
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? 1) Classification, Segregation, and Discipline and 2) Medical and Mental Health</p>

§1055, Use of Safety Cell	
Discussion	<p><i>Submitted by Juliet A. Leftwich, Attorney and Criminal/Social Justice Advocate</i></p> <ul style="list-style-type: none"> I would urge BSCC to limit the use of safety cells to 24 hours, given the well-established psychological damage caused to inmates who are placed in solitary confinement.
Resources	Title 15, CCR, § 1055. Use of Safety Cell
ESC Notes	<p><i>See notes from high-risk/special housing above.</i></p> <p>BSCC Staff should:</p> <ul style="list-style-type: none"> Find applicable best practices regarding safety cells, forward to workgroup for review
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? 1) Classification, Segregation, and Discipline and 2) Medical and Mental Health</p>

§1064, Library Service	
Public Comment	<p><i>Submitted by Merced County Sheriff's Office</i></p> <ul style="list-style-type: none"> The ESC should revise what is required legal material for library services.
Applicable Regulations	<p>Title 15, CCR, § 1064. Library Service</p> <p>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.</p>
ESC Notes	<p>The ESC discussed issues facing facility library services, the Programs and Services Workgroup should consider that:</p> <ul style="list-style-type: none"> Multiple copies of documents would be helpful to provide access to more than one inmate at a time. The word "access" needs to be clarified (copies of physical paper documents, LRA requests, kiosks, tablets?) <p>BSCC Staff will seek clarification on public comment.</p>
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Programs and Services</p>

Out of Cell Time

<p>Discussion</p>	<ul style="list-style-type: none"> • Title 15 currently requires three hours of exercise and recreation distributed over a period of seven days. While there is no definition of “recreation,” “exercise” is defined as “physical exertion of large muscle groups.” • Title 15 also does not specify a certain amount of “out of cell time.” <ul style="list-style-type: none"> ○ Agencies are not currently required to allow access for specified amounts of time to: <ul style="list-style-type: none"> ▪ Programs, Dayroom, Recreation, Exercise • Should Title 15 specify and define “out of cell time”? • Should other terms mentioned above be defined?
<p>Applicable Regulations</p>	<p>Title 15, CCR, § 1065. Exercise and Recreation</p> <p>(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.</p> <p>(b) The facility administrator of a Type I facility shall make table games and/or television available to inmates.</p>
<p>ESC Notes</p>	<p>The ESC discussed “out of cell” time in regulation, currently set at a minimum of 3 hours over a 7-day period. The ESC requests that the workgroup review the amount of out of cell time that should be available to inmates, noting that some facilities may have limitations, and consider increasing the minimum time inmates should be out of their cells. Most of California’s jails were not built to withstand or accommodate longer average lengths of stay in local detention facilities.</p> <p>When discussing this issue, the workgroup should consider:</p> <ul style="list-style-type: none"> • Benefits of increasing out of cell time. • Challenges of increasing out of cell time; how it may influence a facility’s ability to comply with regulation; and how it may increase the risk of litigation. • Disability Rights California and Department of Justice definitions of out of cell time. • Recent remediation plans, settlements and research on “out of cell” time; an estimate of 2 hours a day for socialization was discussed (UC Santa Cruz).
<p>Forward to WG?</p>	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Programs and Services</p>

§1066, Books, Newspapers, Periodicals and Writings	
Public Comment	<p><i>Submitted by FSO Staff</i></p> <ul style="list-style-type: none"> Many daily newspapers have gone out of publication. Those remaining have significantly increased cost for delivery making it cost-prohibitive for some facilities. For example, if a Type I facility does not hold sentenced inmates, compliance with section 1066(b) would be costly and a waste of government funds since Type I facilities typically do not hold inmates in custody over two days.
Applicable Regulations	Title 15, CCR, § 1066. Books, Newspapers, Periodicals, and Writings
ESC Notes	<p>The ESC discussed Section 1066 and requested that it be forwarded to the Programs and Services Workgroup to consider:</p> <ul style="list-style-type: none"> That many publications are available online now. Whether Type I and Temporary Holding facilities should be required to comply with 1066 given the short amount of time inmates are staying in those facilities. Whether the regulation should require publications be provided to inmates in languages other than English and Spanish. Additional languages could be determined on a facility-by-facility basis by the demographics of the population.
Forward to WG?	<p>X Yes</p> <p>If YES, which subject area workgroup(s)? The Programs and Services Workgroup will review, Section B will be taken out for review by the TI/TH WG</p>

§1070. Individual/Family Service Programs	
Public Comment	<p><i>Submitted by Friends Outside, a nongovernmental organization.</i></p> <ul style="list-style-type: none"> • We suggest that all programs and services should be evidenced based, with the exception of recreation programs, and that there should be a clear differentiation between recreation and rehabilitation, with the latter always based on sound evaluation for effectiveness. • All inmates should undergo an assessment of criminogenic needs and assigned to the appropriate programs based on those needs.
Applicable Regulations	Title 15, CCR, § 1070. Individual/Family Service Programs
ESC Notes	<p>The ESC reviewed the public comment noting the importance of evidence based programs, but acknowledged that not all programs can be evidence based. Likewise, the assessment of criminogenic needs is an important assessment, but there are also many other valuable assessments that indicate need.</p> <p>The ESC also discussed how the efficacy of programs can be negatively affected by short lengths of stay, and how complex it could become to define which programs and services were either recreation or rehabilitation. Yoga, for example, can be recreation to some, and rehabilitation to others. The labeling a program or services as one or the other can be subjective and broad, and sometimes based on opinion. The ESC recommends that the public comment not be forwarded to the Workgroup for consideration.</p> <p>The Programs and Services Workgroup should:</p> <ul style="list-style-type: none"> • Review the list of best practices (<i>Section 1070(b) forward</i>) for evidence based, trauma informed, gender responsive. etc., programs.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Programs and Services</p>

Treatment of Pregnant Inmates

Public Comment	<p><i>Submitted by Juliet Leftwich, Attorney and Criminal/Social Justice Advocate</i></p> <ul style="list-style-type: none"> • The ESC should revise Article 11 to provide minimum standards governing the treatment of pregnant inmates, as required by Penal Code Section 6030, and to prohibit administrative segregation of inmates who are in the last trimester of pregnancy. • Although Article 5, Section 1058.5 limits the use of restraint devices on pregnant inmates, and Article 6, Section 1122.5 governs the treatment of pregnant minors, Title 15 does not generally address the needs of adult pregnant inmates. BSCC should adopt new minimum standards to address the important needs of this population, as required by Penal Code Section 6030, and specifically prohibit administrative segregation of inmates who are in the last trimester of pregnancy. The need for the creation of these standards is evidenced by the fact that a pregnant inmate was forced to give birth alone last year at Santa Rita Jail.
ESC Notes	<p>The ESC discussed the treatment of pregnant inmates noting that Penal Code 6030 requires certain services, care, and diet. The issue of an inmate being forced to give birth alone in a jail seems to be an isolated incident that may require further training of staff but may not have been prevented by a regulation stating that an inmate shall not be left alone while laboring. The Workgroup should:</p> <ul style="list-style-type: none"> • Review the language and requirements of AB 2507 and discuss how the treatment of pregnant inmates can be addressed in an existing regulation or a new regulation.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? 1) Medical and Mental Health and 2) Administration</p>

Mental Health Care	
Discussion	<ul style="list-style-type: none"> • There has been litigation against local detention facilities related to the adequacy of mental health care in jails. • The ESC should provide direction to medical and mental health workgroup to determine if minimum standards are reflective of current practices and standards in correctional mental health care.
Applicable Regulations	Title 15, CCR, Article 11, Medical/Mental Health Services Other operational regulations that may have cross-over with mental health issues, e.g., suicide prevention program.
ESC Notes	The ESC discussed the issue, were unsure of what was being requested by comment. The ESC understands that the Medical and Mental Health Workgroup will thoroughly review all regulations that deal with mental health care in jails.
Forward to WG?	x No

Opioids	
Discussion	<ul style="list-style-type: none"> • Local detention facilities presently house thousands of inmates experiencing addiction to, and withdrawal from, opioids and other substances. Facilities are housing more inmates for longer time periods. To meet current challenges of its inmate populations, operating agencies are faced with the decision whether to do more than detain, and also provide treatment. • Title 15 does not specifically address how facilities deal with inmates experiencing addition and withdrawal from opioids and other substances. • Should Title 15 and 24 be revised to provide guidance on the opioid crisis on local detention facilities? If so, many sections may be impacted. • Should facilities conduct more frequent safety checks? • A few counties have developed a Refusal of Medical Care Form.
Public Comment	<p><i>Submitted by Jim Sida, JCS Jail Consulting</i></p> <ul style="list-style-type: none"> • Title 15 requires staff to conduct safety checks at least hourly and no more than a 60-minute lapse. Custody staff should conduct a safety check more often than what is required for individuals experiencing withdrawal from opioids and other substances. • Title 15 should require facilities to develop policy and procedures relating to inmates experiencing withdrawal from opioids and other substances. Provisions may include, but not limited to: training, supervision, classification, segregation, safety checks, and an inmate’s refusal of medical services. • Section 1213, which addresses detoxification treatment, should be revised to include specific provisions on inmates experiencing withdrawal from opioids and other substances, such as how to identify, observe, document, house, and serve such inmates. • There should be a new regulation section that requires facilities to develop policy and procedures on documentation when an arrestee or inmate refuses treatment against medical advice in the facility. Currently, there is no requirement. • All staff, including administrative, management, and supervisors should receive training on the issue of withdrawal of opioids and other substances. Currently, there is no requirement.
Applicable Regulations	<p>Title 15, CCR, § 1027.5. Safety Checks</p> <p>Title 15, CCR, § 1029. Policy and Procedures Manual</p> <p>Title 15, CCR, § 1206. Health Care Procedures Manual</p> <p>Title 15, CCR, § 1213. Detoxification Treatment</p>
ESC Notes	<p>The ESC reviewed the public comment noting the complexities of sharing medical information and having, or attempting to have, influence over medical treatment and decisions. The Medical and Mental Health Workgroup should consider:</p>

	<ul style="list-style-type: none"> • Broadening their discussion to other substances and alcohol, with special attention paid to opioids. • Reviewing the process or expectation that something is being done during the detoxification process. Review reentry regarding opioids and treatment planning (see AB 2760).
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Medical and Mental Health</p>

A note about Title 24 Physical Plant revisions: changes made to Title 24 are not retroactive; newly adopted standards will apply to any new construction that occurs after the revisions are approved by the Building Standards Commission. Pursuant to Title 24, Section 13-102 (b) Exclusions, facilities are grandfathered under the standards they were built under, unless they may significant physical plant modifications.

§1231.2, Exercise Area. Dayroom and Outdoor Recreation Space	
Discussion	<ul style="list-style-type: none"> • Title 24 requires that each Type II and III facility provide an outdoor exercise area or areas but does not define “outside.” • Some facilities provide exercise areas that have access to fresh air/outside via a large open window or uncovered ceiling area, but there is no standards that defines how much “outside” access there must be. • There are facilities that provide less access to fresh air than others because of extreme or inclement weather. • Additionally, Title 15 does not require access to the outdoors.
Public Comment	<ul style="list-style-type: none"> • BSCC staff recommendation
Resources	<p>Title 24, CCR, § 1231.2.10 Exercise area. An outdoor exercise area or areas must be provided in every Type II and Type III facility. The minimum clear height must be 15 feet (4572 mm) and the minimum number of square feet of surface area will be computed by multiplying 80 percent of maximum rated population by 50 square feet (4.7 m2) and dividing the result by the number of one-hour exercise periods per day. The exercise area must contain or provide free access to a toilet, wash basin, and drinking fountain as provided in Section 1231.3. There must be at least one exercise area of not less than 600 square feet (55.7 m2). The design shall facilitate security and supervision appropriate to the level of custody. Type IV facilities shall have an outdoor recreation area or access to community recreation facilities.</p>
ESC Notes	<p>The ESC discussed the definition of “outside” and how the regulations could reference natural light and exposure to the elements and fresh air. The workgroup should:</p> <ul style="list-style-type: none"> • Review definitions or illustrations that may be helpful in providing safe spaces and reduce the risk of contracting Valley Fever. • Discuss the definition of “outside”. • Review relevant remediation plans.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Title 24</p>

§1231.3.10 Seating Areas in Holding Cells	
Discussion	<ul style="list-style-type: none"> Should the available seating for persons in holding cells be reviewed for appropriateness of space?
Public Comment	<ul style="list-style-type: none"> BSCC staff recommendation.
Applicable Regulations	<p>Title 24, CCR, §1231.3.10 Seating. In temporary holding and temporary staging cells, seating must be securely fixed to the floor and/or wall. When bench seating is used, 18 inches (457 mm) of bench is seating for one person.</p>
ESC Notes	<p>The ESC discussed the comment and issue of appropriate seating for specific spaces. The Workgroup should consider:</p> <ul style="list-style-type: none"> Width of seating. The length of seating required is defined in regulation, but the width of seating is not. Review the available seating language in Section 1231.3.10.
Forward to WG?	<p>x Yes</p> <p>If YES, which subject area workgroup(s)? Title 24</p>

Other ESC-Discussion

Data Collection	
Discussion	<ul style="list-style-type: none"> Data Collection is not consistent across criminal justice systems, counties, or facilities.
Notes	<p>The ESC discussed the issue of inconsistent data collection across the criminal justice system, noting that data elements and methods of collections are also inconsistent within California counties and detention facilities. The ESC expressed an interest to codify requirements for types of data and methods of collection in Title 15; members reasoned that regulation may be necessary to get systems, counties, and facilities to fill out forms and submit data consistently.</p> <p>The BSCC has some methods of data collection through the Jail Profile Survey and the Juvenile Detention Profile Survey, but cannot regulate or require that data collection occur or be submitted to specific parties through Title 15.</p>
Forward to WG?	<input checked="" type="checkbox"/> No