

CHAPTER 13

ADMINISTRATIVE REGULATIONS FOR THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)

ARTICLE 1 MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES

13-101. County correctional facility capital expenditure fund.

(a) **Definitions.** The following words when used in this subchapter shall have the meaning hereafter ascribed to them, unless the context of their use clearly requires a different meaning.

BOARD means Board of State and Community Corrections.

COUNTY CORRECTIONAL FACILITY CAPITAL EXPENDITURE FUND means moneys received from the sale of State of California General Obligation Bonds as authorized by the County Correctional Facility Capital Expenditure Bond Act of 1986.

CONTRACT means the written agreement and any amendments thereto between the State Board and a county in which the terms, provisions and conditions governing the funds are stated.

(b) Fund award conditions.

1. Prior to entering into a contract with a county, the Board shall ensure that the county is ready to proceed with construction. A county shall be deemed ready to proceed with construction when it has done all of the following:
 - A. Received approval by the State Fire Marshal for compliance with fire safety regulations in the plans, specifications and working drawings for the facility to be constructed.
 - B. Received approval for compliance with minimum jail standards by the Board as described in Title 15, Chapter 1, Subchapter 2, Sections 546 and 548.
 - C. Met all other requirements contained in Title 15, Chapter 1, Subchapter 2, Section 544.

(c) Preparation of architectural drawings and specifications.

1. Architectural drawings and specifications shall be submitted to the Board by dates and in a manner prescribed by the Board.
2. After review of the drawings and specifications, the Board shall notify the county, in writing, of any major deficiencies. Deficiencies may be identified as either failures to comply with minimum jail standards, or as design features which will pose serious operational or management problems if uncorrected even though no minimum jail standards are violated.
3. Deficiencies in compliance with minimum jail standards shall be corrected by the county prior to advertising for bids.

4. At least 30 days prior to entering into a contract with the county, the Board shall inform the sheriff and the board of supervisors in writing of other design deficiencies posing serious operational or management problems.
5. At the time the county submits its final architectural plans and specifications for review and approval, it shall also submit a preliminary staffing plan for the proposed facility, along with an analysis of other anticipated operating costs for the facility, which have been reviewed and approved by the board of supervisors in a public hearing. The sheriff shall review the staffing plan and operating cost analysis, and his written comments shall accompany this submittal. At a minimum, this plan shall include the following:
 - A. Transition team program statement and costs.
 - B. Staffing requirements under the proposed design capacity.
 - C. Shift and post identification of staff for the proposed facility, delineated by custody and support staff.
 - D. Analysis of 30-year life cycle operating costs and maintenance and energy costs for the proposed facility.
 - E. Identification of, and revenue sources for, additional funds needed to support the staffing levels and operating costs for the proposed facility.

(d) Variance.

1. The Board may grant a variance from any Board requirement contained herein for good and sufficient reason. Such a variance may be granted by the Board only upon the written application therefore and documentation thereof. The request for a variance shall contain the following:
 - A. Name and address of requestor.
 - B. The specific requirement for which variance is being requested.
 - C. The supporting reasons for a variance request.
 - D. A copy of the variance request shall be sent to the Board by requestor. The staff shall summarize the issues involved and cause the matter to be placed on a Board meeting agenda in an expeditious manner. The requestor will be given an opportunity to be heard by the Board for the purpose of presenting oral argument in support of its request for a variance.

(e) Project modifications.

1. Project modifications which are proposed after a contract is signed which (1) substantially alter the design or scope of the project, (2) substantially alter the design,

location, size, capacity or quality of major items or equipment, or (3) increase the amount of state funds needed to complete the project, require prior written approval of the Board.

2. Construction change orders which propose a substantial increase in jail capacity or a substantial change in project concept or cost require prior written approval of the Board. Other change orders will not require prior approval. Summaries of all change orders shall be submitted to the Board monthly in a format approved by the Board.

Note: See also Title 15, Chapter 1, Subchapter 2, Section 568.

(f) **Purpose.** The appeal hearing procedures are intended to provide a review concerning the application and enforcement of standards and regulations governing the administration of the County Correctional Facility Capital Expenditure Fund. A county may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

(g) **Definitions applying to appeal procedures.** For purpose of this article, the following definitions shall apply:

APPEAL HEARING means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for a formal decision concerning matters raised pursuant to the purposes set forth in subsection (f), above.

APPELLANT means a county which files a request for an appeal hearing.

EXECUTIVE OFFICER means the Executive Officer of the Board.

REQUEST FOR APPEAL HEARING means a clear written expression of dissatisfaction about a procedure or action taken and a request for a hearing on the matter and filed with the Executive Officer of the Board.

FILING DATE means the date a request for an appeal hearing is received by the Executive Officer of the Board.

AUTHORIZED REPRESENTATIVE means an individual authorized by the appellant to act as his/her representative in any or all aspects of the hearing.

HEARING PANEL means a panel comprised of three members of the Board who shall be selected by the chairperson at the time the appeal is filed. A fourth member may be designated as an alternate. Members designated to the hearing panel shall not be employed by or be residents of the county submitting the appeal nor shall they be employed by any other county that has a funded project or is seeking funds.

PROPOSED DECISION means a written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on the appeal.

NOTICE OF DECISION means a written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on the appeal.

(h) **Request for appeal hearing by Board.**

1. If a county is dissatisfied with an action of the Board staff, it may file a request for an appeal hearing with the Board. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county is dissatisfied.
2. The request shall be in writing and:
 - A. Shall state the basis for the dissatisfaction.
 - B. Shall state the action being requested of the Board.
 - C. Shall include as attachments any correspondence related to the appeal with and from the Executive Officer.

(i) **Board hearing procedures.**

1. The hearing shall be conducted by a hearing panel designated by the Chairperson of the Board at a reasonable time, date and place, but not later than 21 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
2. The procedural time requirements may be waived with mutual written consent of the parties involved.
3. Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
4. An appellant may waive a personal hearing before the hearing panel and under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.
5. The hearing is not formal in nature. Pertinent and relevant information, whether written or oral, will be accepted. Hearings will be tape recorded.
6. After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board at its next regular public meeting.

(j) **State Board decision.**

1. The Board, after receiving the proposed decision, may:
 - A. Adopt the proposed decision.
 - B. Decide the matter on the record with or without taking additional evidence, or,
 - C. Order a further hearing to be conducted if additional information is needed to decide the issue.
2. After the hearing panel's proposed decision is adopted, or an alternate decision is rendered by the Board, or notice of new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant.
3. The record of the testimony, exhibits, all papers and requests filed in the proceedings and the hearing panel's

proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.

4. The decision of the Board shall be final.

Note: Amendments to Section 13-102 effective November 25, 1993.

13-102. Minimum standards for local detention facilities.

(a) **Definitions.** The following definitions shall apply:

ADMINISTERING MEDICATION, as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

ADMINISTRATIVE SEGREGATION means the physical separation of different types of inmates from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of Title 15, C.C.R. Administrative segregation is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Corrections Standards Authority pursuant to an application.

AVERAGE DAILY POPULATION means the average number of inmates housed daily during the last fiscal year.

BOARD OF STATE AND COMMUNITY CORRECTIONS means the Board of State and Community Corrections, whose board acts by and through its executive director, deputy directors and field representatives.

CLINICAL EVALUATION means an assessment of a person's physical and/or mental health condition conducted by licensed health personnel operating within recognized scope of practice specific to their profession and authorized by a supervising physician or psychiatrist.

CONCEPT DRAWINGS means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

CONTACT means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.

COURT HOLDING FACILITY means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

CUSTODIAL PERSONNEL means those officers with the rank of deputy, correctional officer, patrol persons or other equivalent sworn or civilian rank whose duties include the supervision of inmates.

DELIVERING MEDICATION, as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

DESIGN-BID-BUILD means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

DESIGN-BUILD means a construction procurement process in which both the design and construction of a project are procured from a single entity.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

DISCIPLINARY ISOLATION means that punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit separate from regular jail inmates.

DISPENSING, as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

DISPOSAL, as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

EMERGENCY means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike or other emergent condition.

EMERGENCY MEDICAL SITUATIONS means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

EXERCISE means activity that requires physical exertion of the large muscle group.

FACILITY/SYSTEM ADMINISTRATOR means the sheriff, chief of police, chief probation officer or other official charged by law with the administration of a local detention facility/system.

FACILITY MANAGER means the jail commander, camp superintendent or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

FACILITY WATCH COMMANDER means the individual designated by the facility manager to make operational decisions during his/her tour of duty.

HEALTH AUTHORITY means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

HEALTH CARE means medical, mental health and dental services.

JAIL, as used in Article 8, means a Type II or III facility as defined in the “Minimum Standards for Local Detention Facilities.”

LABELING, as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

LAW ENFORCEMENT FACILITY means a building that contains a Type I Jail or Temporary Holding Facility or Lockup. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

LEGEND DRUGS are any drugs defined as “dangerous drugs” under Chapter 9, Division 2, Section 4211 of the *California Business and Professions Code*. These drugs bear the legend, “Caution Federal Law Prohibits Dispensing without a Prescription.” The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

LIVING AREAS means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

LOCAL DETENTION FACILITY means any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

LOCAL DETENTION SYSTEM means all of the local detention facilities that are under the jurisdiction of a city, county or combination thereof, whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in other statute.

LOCAL HEALTH OFFICER means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

LOCKUP means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently

been arrested; sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work.

MAY. “May” is permissive; “shall” is mandatory.

MENTAL HEALTH DIRECTOR means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

NONSECURE CUSTODY means that a minor’s freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

NONSENTENCED INMATE means an inmate with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

OVER-THE-COUNTER (OTC) DRUGS, as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).

PEOPLE WITH DISABILITIES includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.

PERFORMANCE CRITERIA means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency’s needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Corrections Standards Authority.

PRELIMINARY DRAWINGS means, with respect to a design-build project, a site plan, architectural floor plans, elevations, outline specifications and a cost estimate for each utility, site development, conversion and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost and the nature of the improvement being proposed.

PROCUREMENT, as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

PSYCHOTROPIC MEDICATION means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

RATED CAPACITY means the number of inmate occupants for which a facility's single- and double-occupancy cells, or dormitories, except those dedicated for medical or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

REGIONAL CENTER FOR DEVELOPMENTALLY DISABLED means those private agencies throughout the state, funded through the Department of Developmental Services which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

REMODEL means to alter the facility structure by adding, deleting, or moving any of the building's components, thereby affecting any of the spaces specified in Title 24, Section 1231.

REPACKAGING, as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturer's container to another properly labeled container.

REPAIR means to restore to original condition or replace with like-in-kind.

SAFETY CHECKS means direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of inmates.

SECURE CUSTODY means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or physically secured to a cuffing rail or other stationary object.

SECURITY GLAZING means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

SENTENCED INMATE means an inmate that is sentenced on all local charges.

SHALL is mandatory; "may" is permissive.

SOBERING CELL as referenced in Section 1056, refers to an initial "sobering up" place for arrestees who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.

STORAGE, as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

SUPERVISION IN A LAW ENFORCEMENT FACILITY means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

SUPERVISORY CUSTODIAL PERSONNEL means those staff members whose duties include direct supervision of custodial personnel.

TEMPORARY CUSTODY means that the minor is not at liberty to leave the law enforcement facility.

TEMPORARY HOLDING FACILITY means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

TYPE I FACILITY means a local detention facility used for the detention of persons, for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.

TYPE II FACILITY means a local detention facility used for the detention of persons pending arraignment, during trial and upon a sentence of commitment.

TYPE III FACILITY means a local detention facility used only for the detention of convicted and sentenced persons.

TYPE IV FACILITY means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and/or other programs involving inmate access into the community.

WORKING DRAWINGS means, with respect to a design-build project, a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree necessary for the purpose of accurate bidding by contractors and for the use of artisans in constructing the project.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-102 and 2-1013 which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the Board for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the Board in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least-restrictive regulation shall apply.

If, in the course of inspection of local detention facilities, the Board determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas which need to be remodeled and/or constructed, a definite time period over which the proposed modifications are planned, and a cost estimate including a description of the method of financing.

(c) **Initial planning for a local detention facility.**

1. **Letter of intent.** A city, county, city and county, or any combination thereof which has an intent to build or

remodel any local detention facility shall immediately file a letter of intent with the Board.

2. **Needs assessment study.** Any city, county, city and county, or region intending to construct a new Type I, II, III or IV facility or add 25 or more beds to an existing facility shall complete a needs assessment study. One copy of the needs assessment study shall be submitted to the Board prior to contracting for plans and specifications.

The needs assessment shall include, but not be limited to, a description of:

- A. The elements of the system;
- B. The department's operational and design philosophy;
- C. The current inmate population;
- D. The classification system;
- E. Program needs, including planned academic programs to include special education programs and an analysis of performance in using programs that can reduce secure facility requirements;
- F. An analysis of the local trends and characteristics which influence planning assumptions about future corrections' systems change, including population projections, current and projected inmate populations, and program costs based on continuation of current policies and projections of alternative policies or programs on inmate population growth and program costs;
- G. The adequacy of staffing levels;
- H. The ability to provide visual supervision;
- I. The adequacy of record keeping;
- J. A history of the system's compliance with standards; and
- K. Any unresolved issues.

3. **Operational program statement.** Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Board or the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-102 (c) 5 of these regulations for design-bid-build construction projects. The operational program statement must be submitted with the performance criteria or performance criteria and concept drawings for design-build construction projects. The operational program statement must include a description of the following:

- A. Intended capacity of facility.
- B. Security and classification of inmates to be housed.
- C. Inmate movement within the facility and entry and exit from security areas.

- D. Food preparation and serving.
- E. Staffing.
- F. Booking.
- G. Visiting and attorney reviews.
- H. Exercise.
- I. Programs.
- J. Medical services, including the management of communicable diseases.
- K. Cleaning and/or laundering.
- L. Inmate segregation as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, C.C.R.
- M. Court holding and inmate movement.
- N. Mental health services.
- O. Facilities for jail administration and operations staff.
- P. Staff to staff communications system.
- Q. Management of disruptive inmates.
- R. Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies.
- S. Architectural treatment of space relative to preventing suicides by inmates.
- T. Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees.
- U. Intended type of facility.
- V. Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to segregate.
- W. Safety cell(s) as referenced by Title 15, Section 1055.
- X. If minors describe how to enter the security area for processing and/or secure custody or housing, how will movement within the facility and entry and exit from security areas be accomplished pursuant to separation requirements of Welfare and Institutions Code Section 208(a) and Section 1144 of these regulations.

4. **Type III and Type IV facilities in existing buildings.** Wherever a city, county or combination thereof, intends to establish a Type III or Type IV facility in an existing building or buildings, notice shall be given to the Board whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official, and State Fire Marshal.

5. **Submittal of plans and specifications.** All plans and specifications shall be submitted to the Board in compliance with Penal Code Section 6029.

1. For design-bid-build projects, one set of plans and specifications shall be submitted at the schematic design phase, at the design development phase and the construction document phase.
2. For design-build projects, one set of performance criteria or performance criteria and concept drawings shall be submitted before the county issues a request for proposals for the services of a design-build entity. One set of construction document drawings shall be submitted. Board staff shall respond in writing indicating compliance or non-compliance with these regulations.

6. Design requirements.

- A. The design of a local detention facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 2-1013.
- B. The design of a Type I, Type II, Type III or Type IV facility, shall provide the following:
 - (1) **Fire safety.** The provisions of Title 19 and Title 24, Part 2 as they relate to detention facilities shall be incorporated into the facility design.
 - (2) **Suicide hazards.** Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by an inmate. The facility design shall avoid any surfaces, edges, fixtures or fittings that can provide an attachment for self-inflicted injury. The following features shall be incorporated in the design of temporary holding cells, temporary staging cells sobering cells, safety cells, single occupancy cells and any other area where an inmate may be left alone:
 - a. plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. The drinking fountain bubbler shall be without curved projections;
 - b. towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
 - c. supply and return grilles and any other vent or security cover shall have openings no greater than $\frac{3}{16}$ inch or have 16-mesh per square inch;
 - d. beds, desk surfaces and shelves shall have no sharp edges and be configured to prevent attachment;
 - e. light fixtures shall be tamper resistant;
 - f. fixtures such as mirrors shall be mounted using tamper-resistant fasteners; and
 - g. fire sprinkler heads inside rooms shall be designed to prevent attachment.
 - h. telephone cords shall be at a length that reduces the potential for use as a ligature.
 - (3) **Health and sanitation.** Provisions of Subchapter 4, Title 15, California Code of Regu-

lations, and of the California Retail Food Code as they relate to detention facilities shall be incorporated into the facility design.

- (4) **Single- and/or double-occupancy cells.** In any local detention system, the number of single-and/or double-occupancy cells shall be that number, determined by the facility/system administrator in conjunction with the Board, necessary to safely manage the population of the facility/system based on a comprehensive needs assessment which accounts for those inmates projected to be:
 - a. administrative segregation cases,
 - b. persons with disabilities,
 - c. custodial problems, and/or
 - d. likely to need individual housing for other specific reasons as determined by the facility/system administration.

The total number of single- and/or double-occupancy cells shall not be less than 10 percent of the system's Corrections Standards Authority rated capacity. The local detention facility/ system shall comply with all other design requirements contained in these regulations.

- (5) **Staff and inmate safety.** Facilities shall be designed and/or equipped in such a manner that staff and inmates have the ability to summon immediate assistance in the event of an incident or an emergency.
- (6) **Heating and cooling.** Provision shall be made to maintain a living environment in accordance with the heating, ventilating, and air conditioning requirements of Parts 2 and 4, and the energy conservation requirements of Part 6, Title 24, California Code of Regulations.
- (7) **Acoustics.** Housing areas shall be designed and constructed so that the average noise level does not exceed 70 decibels during periods of activity and 45 decibels during sleeping hours.
- (8) **Living areas.** Living areas shall be separated from the area for reception and booking.
- (9) **Spaces for persons with disabilities.**
 - a. Housing cell or room. A cell or room for an inmate with a disability using a wheelchair must have an appropriate entry and toilet, washbasin and drinking fountain which the inmate can use without personal assistance.
 - b. Other spaces within the security perimeter such as day rooms and activity areas shall be located such that persons with disabilities will not be excluded from participating in any program for which he or she would otherwise be eligible. Accessible showers for inmates with disabilities shall be available.

c. Spaces outside the security perimeter. Public areas of a local detention facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.

- (10) **Security.** The design should facilitate security and supervision appropriate to the level of inmate custody.
- (11) **Glazing.** Internal and external facility glazing shall be appropriate to the security level of the detention area or room.
- (12) **Hair care space.** Space and suitable equipment must be provided in all Type II or Type III facilities for men’s haircutting and/or female hair- dressing.
- (13) Floor drains shall be provided where operationally and mechanically appropriate.
- (14) A sewage system design capable of addressing items that could potentially impact waste water systems.
- (15) Medical/mental health care housing shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy rooms.

C. The design of a Court Holding or Temporary Holding facility must include and comply with the following subsections of Section 13-102(c)6B: (1), (2), (3), (5), (6), (7), (9), (10) and (13). Court holding facilities shall have separate paths of travel for inmates from those used by the public.

7. **Pilot projects.** The pilot project is the short-term method used by a local detention facility/system, approved by the Board, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Board may, upon application of a city, county, or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

- A. The regulations which the pilot project will affect.
- B. Review of case law, including any lawsuits brought against the applicant’s local detention facility, pertinent to the proposal.
- C. The applicant’s history of compliance of noncompliance with standards.
- D. A summary of the “totality of conditions” in the facility or facilities, including but limited to:
 - (1) Program activities, exercise and recreation;
 - (2) Adequacy of supervision;
 - (3) Types of inmates affected; and,

(4) Inmate classification procedures.

- E. A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.
- F. The projected costs of the pilot project and projected cost savings to the city, county, city and county, if any.
- G. A plan for developing and implementing the pilot project, including a time line where appropriate.
- H. A statement of how the overall goal of providing safety to staff and inmates will be achieved.

The Board shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of the regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board’s consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Board, the Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Board may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 13-102(c)8 of these regulations.

8. **Alternate means of compliance.** The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Board, to encourage responsible innovation and creativity in the operation of California’s local detention facilities. The Board may, upon applica-

tion of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated [as defined in Section 13-102(c)7]. The city, county, or city and county must present the completed application to the Board no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- A. Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- B. The applicant’s history of compliance or noncompliance with standards.
- C. A summary of the “totality of conditions” in the facility or facilities, including but not limited to:
 - (1) Program activities, exercise and recreation;
 - (2) Adequacy of supervision;
 - (3) Types of inmates affected; and
 - (4) Inmate classification procedures.
- D. A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- E. The projected costs of the alternative and projected cost savings to the city, county, city and county, if any.
- F. A plan for developing and implementing the alternative, including a time line where appropriate.
- G. A statement of how the overall goal of providing safety to staff and inmates was achieved during the pilot project evaluation phase [Section 13-102(c)7].

The Board shall consider applications for alternative means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, Board staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of

the hearing. When complete, the application will be placed on the agenda for the Board’s consideration at a regularly scheduled meeting.

The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Board may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, city and county, may continue to operate under this status as long as they meet the terms of this regulation.

**ARTICLE 2
MINIMUM STANDARDS FOR JUVENILE FACILITIES**

13-201. Minimum standards for juvenile facilities.

(a) **Definitions.** The following definitions shall apply:

ADMINISTERING MEDICATION, as it relates to pharmaceutical management, means the act by which a single dose of medication is given to a patient by licensed health care staff. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding the intent of the standards in an innovative way as approved by the Board pursuant to an application.

APPEAL HEARING means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters raised pursuant to the purposes set forth in these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the Executive Director of the Board.

APPELLANT means a county or city which files a request for an appeal hearing.

AUTHORIZED AND REPRESENTATIVE means an individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

BOARD means the Board of State and Community Corrections, which acts by and through its executive director, deputy directors and field representatives.

CAMP means a juvenile camp, ranch, forestry camp or boot camp established in accordance with Section 881 of the Welfare and Institutions Code, to which youth made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.

CELL EXTRACTION means the forceful removal of a youth from a room.

CLERGY means persons ordained for religious duties.

COMMITTED means placed in a jail or juvenile facility pursuant to a court order for a specific period of time, independent of, or in connection with, other sentencing alternatives.

CONCEPT DRAWINGS means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

CONTRABAND is any object, writing or substance, the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility or would interfere with the orderly day-to-day operation of a juvenile facility, or violate facility rules.

CONTROL ROOM is a continuously staffed secure area within the facility that contains staff responsible for safety, security, emergency response, communication, electronics and movement.

COURT HOLDING FACILITY FOR MINORS means a local detention facility constructed within a court building used for the confinement of minors or minors and adults for the purpose of a court appearance, for a period not to exceed 12 hours.

DELIVERING MEDICATION, as it relates to pharmaceutical management, means the act of providing one or more doses of a prescribed and dispensed medication to a youth.

DESIGN-BID-BUILD means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

DESIGN-BUILD means a construction procurement process in which both the design and construction of a project are procured from a single entity.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means staff must personally see youth's movement and/or skin. Audio/video monitoring may supplement but not substitute for direct visual observation.

DIRECT VISUAL SUPERVISION means staff constantly in the presence of the youth. Audio/video monitoring may supplement but not substitute for direct visual supervision.

DISPENSING, as it relates to pharmaceutical management, means the interpretation of the prescription order, the preparation, repackaging, and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

DISPOSAL, as it relates to pharmaceutical management, means the destruction of medication or its return to the manufacturer or supplier.

DNA or Deoxyribonucleic acid means a chromosomal double stranded molecule that exists in each living cell. DNA determines an individual's hereditary characteristics and can be used to distinguish and identify an individual from another person. This becomes critical when blood, hair, skin or any other part of the body is used to prove one's involvement or lack of involvement in a crime scene.

EMERGENCY means a significant disruption of normal facility procedure, policy or operation caused by civil disorder, single incident of mass arrest of juveniles and natural disasters such as flood, fire or earthquake; and which requires immediate action to avert death or injury and to maintain security.

EXECUTIVE DIRECTOR means the Executive Director of the Board.

EXERCISE means an activity that requires physical exertion of the large muscle groups.

EXIGENT means an urgent and unanticipated event that requires immediate action.

FACILITY ADMINISTRATOR means Chief Probation Officer, Sheriff, Marshal, Chief of Police or other official charged by law with administration of the facility.

FACILITY MANAGER means director, superintendent, police or sheriff commander or other person in charge of the day-to-day operation of a facility holding youth.

FILING DATE means the date a request for an appeal hearing is received by the Executive Director or the Board.

504 PLAN means a written educational plan developed by a group of educators, administrators, parents and other relevant participants that addresses the needs of a student with a physical or mental impairment which may substantially limit major life activities, including caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning as defined under Section 504.

FURLOUGH means the conditional or temporary release of a youth from the facility.

GENDER EXPRESSION means the manner in which a person expresses his or her gender through clothing, appearance, behavior, speech, etc.

GENDER IDENTITY means a person’s sense of identification with either the male or female self.

GROUP PUNISHMENT means a group of uninvolved youth is disciplined due to the actions of one or more youth.

HEALTH ADMINISTRATOR means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health administrator may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When the administrator is other than a physician, final clinical judgment rests with a designated responsible physician.

HEALTH CARE means medical, mental health and dental services.

HEALTH CARE CLEARANCE means a nonconfidential statement which indicates to child supervision staff that there are no health contraindications to a youth being admitted to a facility and specifies any limitations to full program participation.

HEARING PANEL means a panel comprised of three members of the Board who shall be selected by the Chairman at the time an appeal is filed. A fourth member may be designated as alternate. Members designated to the hearing panel shall not be employed by or citizens of the county or city submitting an appeal.

INDIVIDUAL EDUCATION PROGRAM (IEP) means a written statement for each individual with exceptional needs that is developed, reviewed and revised in a meeting in accordance with Education Code Section 56345 and applicable federal laws and regulation.

JUVENILE FACILITY means a juvenile hall, ranch or camp, forestry camp, regional youth education facility, boot camp or special-purpose juvenile hall.

JUVENILE HALL means a county facility designed for the reception and temporary care of youth detained in accordance with the provisions of this subchapter and the juvenile court law.

LABELING, as it relates to pharmaceutical management, means the act of preparing and affixing an appropriate label to a medication container.

LEGEND DRUGS are any drugs defined as “dangerous drugs” under Chapter 9, Division 2, Section 4211 of the California Business and Professions Code. These drugs bear the legend, “Caution Federal Law Prohibits Dispensing Without a Prescription.” The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

LIVING UNIT shall be a self-contained unit containing locked sleeping rooms, single and double occupancy sleeping rooms or dormitories, dayroom space, water closets, wash basins, drinking fountains and showers commensurate to the number of youth housed. A living unit shall not be divided in any

way that hinders direct access, supervision or immediate intervention or other action if needed.

LOCAL HEALTH OFFICER means that licensed physician who is appointed by the Board of Supervisors pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within his/her jurisdiction.

MAXIMUM CAPACITY means the number of youth that can be housed at any one time in a juvenile hall, camp, ranch, home, forestry camp, regional youth education facility or boot camp in accordance with provisions in this subchapter.

MENTAL HEALTH DIRECTOR means that individual who is designated by contract, written agreement or job description to have administrative responsibility for the mental health program. The health administrator shall work in cooperation with the mental health director to develop and implement mental health policies and procedures.

MINOR means a person under 18 years of age and includes those persons whose cases are under the jurisdiction of the adult criminal court.

NON-SCHOOL DAY means a day when school is not in operation. It also applies when an individual youth is not enrolled in school and is not required to be in attendance.

NOTICE OF DECISION means a written statement by the Executive Director of the Board which contains the formal decision of the Executive Director of the Board and the reason for that decision.

ON-SITE HEALTH CARE STAFF means licensed, certified or registered health care personnel who provide regularly scheduled health care services at the facility pursuant to a contract, written agreement or job description. It does not extend to emergency medical personnel or other health care personnel who may be on site to respond to an emergency or an unusual situation.

OVER-THE-COUNTER (OTC) DRUGS, as it relates to pharmaceutical management, are medications which do not require a prescription (nonlegend).

PERFORMANCE CRITERIA means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type, and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency’s needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a juvenile facility, jail or lockup pursuant to an application to, and approval by, the Board.

PODULAR DESIGN means a design concept for detention facilities in which housing cells, dormitories or sleeping rooms are positioned around the perimeter of a common day-room, forming a housing/living unit. Generally, the majority of services for each housing/living unit (such as dining, medical

exam/sick call, programming, school, etc.) occur in specified locations within the unit.

PRIMARY RESPONSIBILITY is the ability of a child supervision staff member to independently supervise one or more youth.

PROCUREMENT, as it relates to pharmaceutical management, means the system for ordering and obtaining medications for facility stock.

PROPOSED DECISION means a written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on an appeal.

PROSTHESES means artificial devices to replace missing body parts or to compensate for defective bodily function. Prostheses are distinguished from slings, crutches or other similar assistive devices.

PSYCHOTROPIC MEDICATION means those drugs that are used to treat psychiatric symptoms. Drugs used to reduce the toxic side effects of psychotropic medications are not included.

RECREATION means activities that occupy the attention and offer the opportunity for relaxation. Such activities may include ping-pong, TV, reading, board games and letter writing.

REGIONAL FACILITY means a facility serving two or more counties bound together by a memorandum of understanding or a joint powers agreement identifying the terms, conditions, rights, responsibilities and financial obligation of all parties.

REMODELING means to alter the facility structure by adding, deleting or moving any of the buildings components, thereby affecting any of the spaces specified in Title 24, Section 1230.

REPACKAGING, as it relates to pharmaceutical management, means transferring medications from the original manufacturer's container to another properly labeled container.

REQUEST FOR APPEAL HEARING means a clear written expression of dissatisfaction about a procedure or action taken, requesting a hearing on the matter, and filed with the Executive Director of the Board.

RESPONSIBLE PHYSICIAN means that physician who is appropriately licensed by the state and is designated by contract, written agreement or job description to have responsibility for policy development in medical, dental and mental health matters involving clinical judgments. The responsible physician may also be the health administrator.

SECURITY GLAZING means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

SEPARATION means limiting a youth's participation in regular programming for a specific purpose.

SEXUAL ORIENTATION means a person's emotional, romantic, and sexual attraction for members of the same, opposite or both sexes.

SHALL is mandatory; "may" is permissive.

SPECIAL-PURPOSE JUVENILE HALL means a county facility used for the temporary confinement of a youth, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.

SPECIAL VISITS mean visits by persons that may not be parents or guardians, as outlined in Section 1374 of these regulations, and may include mentors, extended family members, role models and spouses.

STATUS OFFENDER means a youth alleged or adjudged to be a person described in Section 601 of the Welfare and Institutions Code.

STORAGE, as it relates to pharmaceutical management, means the controlled physical environment used for the safe-keeping and accounting of medications.

SUPERVISORY STAFF means a staff person whose primary duties may include, but are not limited to, scheduling and evaluating subordinate staff, providing on-the-job training, making recommendations for promotion, hiring and discharge of subordinate staff, recommending disciplinary actions and overseeing subordinate staff work. Supervisory staff shall not be included in the youth to supervision staff ratio, although some of their duties could include the periodic supervision of youth.

TRANSGENDER YOUTH means a youth whose gender identity does not correspond with his or her anatomical sex.

USE OF FORCE means an immediate means of overcoming resistance and to control the threat of imminent harm to self or others.

YOUTH SUPERVISION STAFF means juvenile facility employee, whose duty is primarily the supervision of youth. Administrative, supervisory, food services, janitorial or other auxiliary staff is not considered child supervision staff.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-201 and 1230, which pertain to planning and design of juvenile facilities, shall be applicable to facilities for which architectural drawings have been submitted to the Board for review. These requirements shall not be applicable to facilities that were constructed in conformance with the standards of the Department of the Youth Authority or the Board in effect at the time of initial architectural planning. However, an existing juvenile facility built in accordance with construction standards in effect at the time of construction shall be considered as being in compliance with the provisions of this article unless the condition of the structure is determined by the facility administrator or other appropriate authority to be dangerous to life, health or welfare of youth. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least restrictive regulation shall apply.

If, in the course of inspection of local juvenile facilities, the Board determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the spe-

cific building areas that need to be remodeled and/ or constructed, a definite time period over which the proposed modifications are planned, and a cost estimate including a description of the method of financing.

(c) **Initial planning for a local juvenile facility.**

1. **Letter of intent.** A county, city, city and county or regional juvenile facility that intends to build or remodel any local juvenile facility shall file a letter of intent with the Board.

2. **Needs assessment.** Any county, city, city and county, or regional juvenile facility intending to construct a new juvenile facility, or expand the rated capacity of the current facility, shall complete a needs assessment. One copy of the needs assessment shall be submitted to the Board prior to submitting plans and specifications. There are two types of needs assessments:

A. **Comprehensive Needs Assessment.** The Comprehensive Needs Assessment shall include:

- (1) A description of the elements of the system;
- (2) A description of the department's management philosophy/process;
- (3) A description of the current youth population;
- (4) A description of the classification system;
- (5) A description of the program needs, including planned academic programs and special education programs, and an analysis of performance in using programs which can reduce secure facility requirements;
- (6) An analysis of the corrections' system trends and characteristics which influence planning assumptions about future change, including: population projections, projections of youth population and program costs based on continuation of current policies, and projections of the impact of alternative policies or programs on youth population growth and program costs;
- (7) A history of the system's compliance with standards, including the adequacy of staffing levels and the ability to provide visual supervision;
- (8) A history of the adequacy of record keeping;
- (9) The ability to provide confidential interviews and medical exams; and
- (10) A discussion of unresolved issues.

B. **Targeted Needs Assessment.**

- (1) For expansion of an existing facility, a targeted needs assessment may be submitted if a comprehensive needs assessment has been submitted and accepted by the Board within 5 years.
- (2) The Targeted Needs Assessment shall include any update and/or changes to the previous Comprehensive Needs Assessment and provide information affirming its validity and accuracy.

3. **Operational program statement.** Unless the construction or remodeling is of a minor nature, not affect-

ing the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the Board for the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-201 (c) 5 of these regulations for design-bid-build construction projects. The operational program statement must be submitted with the performance criteria or performance criteria and concept drawings for design-build construction projects. The operational program statement must include a description of the following:

- A. Intended capacity of facility;
- B. Security and classification of youth to be housed;
- C. Movement within the facility and entry and exit from secure areas;
- D. Food preparation and serving;
- E. Staffing;
- F. Booking;
- G. Visiting and attorney interviews;
- H. Exercise;
- I. Programs;
- J. Medical services, including the management of communicable diseases;
- K. Cleaning and/or laundering;
- L. Segregation of youth;
- M. Court holding and movement;
- N. Mental health services;
- O. Facilities for administration and operations staff;
- P. Staff to staff communications system;
- Q. Management of disruptive youth;
- R. Management of youth with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies;
- S. Architectural treatment of space relative to preventing suicides by youth;
- T. Method of implementing *California Penal Code* Section 4030 relating to the holding of offenders requiring incarceration without the necessity of unjustified strip searches; and
- U. School programs.

4. **Facilities in existing buildings.** Wherever county, city, city and county, or regional juvenile facility intends to establish a juvenile facility in an existing building or buildings, notice shall be given to the Board whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official, and State Fire Marshal.

5. **Submittal of plans and specifications.** All plans and specifications shall be submitted to the Board in compliance with Penal Code Section 6029.

- (1) For design-bid-build projects, one set of plans and specifications shall be submitted at the schematic design stage, at the design development stage and construction document phase.
- (2) For design-build projects, one set of performance criteria or performance criteria and concept drawings shall be submitted before the county issues a request for proposals for the services of a design-build entity. One set of construction document drawings shall be submitted. Board staff shall respond in writing indicating compliance or non-compliance with these regulations.

6. **Design requirements.**

- A. The design of a local juvenile facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 1230.
- B. The design of a juvenile facility shall address the following:
 1. **Fire safety.** The provisions of Title 19 and Title 24 as adopted by the State Fire Marshal as they relate to juvenile facilities shall be incorporated into the facility design.
 2. **Suicide hazards.** Architectural plans shall be reviewed by the Board for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by a youth. The facility design shall avoid any surfaces, edges, fixtures, or fittings that can provide an attachment for hanging or other opportunity for self-inflicted injury. The following features shall be incorporated in the design of sleeping rooms, bathrooms, and any other area where a juvenile may be left alone:
 - a. Plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. Drinking water spout, if any, shall be without curved projections;
 - b. Towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
 - c. Supply and return grilles and any other vent or security cover shall have openings no greater than $\frac{3}{16}$ inch or have 16-mesh per square inch;
 - d. Beds, desk surfaces and shelves shall have no sharp edges and shall be configured to prevent attachment;
 - e. Light fixtures shall be tamper resistant;
 - f. Fixtures such as mirrors shall be mounted using tamper-resistant fasteners;
 - g. Fire sprinkler heads inside rooms shall be designed to prevent attachment; and

h. Telephone cords shall be at a length that reduces the potential for use as a ligature.

3. **Health and sanitation.** Provisions of Subchapter 5, Title 15, California Code of Regulations, and of the California Retail Food Code (CalCode) as they relate to juvenile facilities shall be incorporated into the facility design.
4. When adding new sleeping rooms to a juvenile hall, not less than 10 percent of them shall be single occupancy, unless the juvenile hall can demonstrate that its current number of single occupancy rooms will equal at least 10 percent of the new rated capacity. In addition, single or double occupancy rooms shall be that number, determined by the facility administrator, necessary to safely manage the population of the facility based on a comprehensive needs assessment which accounts for youth projected to be:
 - a. Mentally disordered,
 - b. Custodial problems, and/or
 - c. Likely to need individual housing for other specific reasons as determined by the facility administration.

The total number of single or double occupancy rooms shall be identified.
5. **Staff and safety.** Facilities shall be designed and/ or equipped in such a manner that staff and youth have the ability to summon immediate assistance in the event of an incident or an emergency.
6. **Heating and cooling.** Provision shall be made to maintain a generally accepted living environment and meet the requirements of Parts 1 (*California Administrative Code*), 2 (*California Building Code*), and 4 (*California Mechanical Code*).
7. **Acoustics.** Dayroom areas shall be designed and constructed so that the noise level does not exceed 70 decibels and a reverberation time less than 1.5 seconds. Sleeping areas shall have a noise level no higher than 45 decibels and a reverberation time less than 1.5 seconds. The heating, ventilating and air conditioning noise level shall be no higher than 45 decibels in sleeping areas and classrooms.
8. **Spaces for the disabled.**
 - a. **Housing room.** A room for a youth with a disability requiring a wheelchair must have an appropriate entry and a toilet, washbasin, and drinking fountain which the youth can utilize without personal assistance.
 - b. Other space within the security perimeter such as dayroom and activity areas shall be located such that a disabled youth will not be excluded from participating in any program for which they would otherwise be eligible.

An accessible shower for disabled youth shall be available.

c. **Spaces outside the security perimeter.** Public areas of a local juvenile facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.

9. **Security.** Facility design shall provide security and supervision appropriate to the classification level of youth in custody.

a. The facility perimeter shall be controlled by appropriate means to ensure that youth remain within the perimeter and shall be designed to prevent access by the general public without proper authorization.

b. Security glazing shall be used where it defines the secure perimeter of buildings. It shall also be used at appropriate interior locations to ensure a secure and safe environment for youth and staff.

10. **Medical/mental health care housing and treatment space.** There shall be some means to provide health care and housing and treatment of ill and/or infirm youth. When the operational program statement for a facility indicates that medical care housing is needed, such housing must provide lockable storage space for medical instruments and must be located within the security area of the facility accessible to both female and male youth, but not in the living area of either. Treatment spaces and the medical care housing unit shall be designed in consultation with the health authority. If negative pressure isolation rooms are being planned, they shall be designed to the community standard. Medical/mental health areas may contain other than single occupancy rooms.

11. A sewage system design capable of addressing items that could potentially impact waste water systems.

7. **Pilot project.** A pilot project is the short-term method used by a local juvenile facility/system approved by the Board to evaluate innovative programs, operations or concepts which may not comply with the regulations but meet or exceed the intent of these regulations.

The Board may, upon application of a city, county, or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local juvenile facility. An application for a pilot project shall include, at a minimum, the following information:

- (a) The regulations that the pilot project shall affect;
- (b) Any lawsuits brought against the applicant local juvenile facility, pertinent to the proposal;
- (c) A summary of the "totality of conditions" in the facility or facilities, including but not limited to

- 1. Program activities, exercise and recreation,
- 2. Adequacy of supervision,
- 3. Types of youth affected, and
- 4. Classification procedures.

(d) A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected;

(e) The projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any;

(f) A plan for developing and implementing the pilot project including a time line where appropriate; and

(g) A statement of how the overall goal of providing safety to staff and youth shall be achieved.

The Board may consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application and staff recommendations.

Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application shall be considered.

When an application for a pilot project is approved by the Board, Board staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. The Board may extend time limits for pilot projects for good and proper purpose.

If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Board shall not exceed 12 months after its approval date. When deemed to be in the best interest of the applicant, the Board may extend the expiration date. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance. The pilot project shall be granted an automatic extension of time to operate the project pending the Board consideration of an alternate means of compliance.

8. **Alternate means of compliance.** An alternate means of compliance is the long-term method used by a local

juvenile facility/system, approved by the Board, to encourage responsible innovation and creativity in the operation of California's local juvenile facilities. The Board may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations either after the pilot project process has been successfully evaluated or upon direct application to the Board. The city, county, or city and county shall present the completed application to the Board no later than 30 days prior to the expiration of its pilot project, if needed.

Applications for alternate means of compliance shall meet the spirit and intent of improving facility management, shall enhance, be equal to, or exceed the intent of, existing standard(s), and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- (a) Any lawsuits brought against the applicant local facility, pertinent to the proposal;
- (b) A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - 1. Program activities, exercise and recreation;
 - 2. Adequacy of supervision;
 - 3. Types of youth affected; and
 - 4. Classification procedures.
- (c) A statement of the problem the alternate means of compliance is intended to solve, how the alternative shall contribute to a solution of the problem and why it is considered an effective solution;
- (d) The projected costs of the alternative and projected cost savings to the city, county, or city and county, if any;
- (e) A plan for developing and implementing the alternative, including a time line where appropriate; and
- (f) A statement of how the overall goal of providing safety to staff and youth was or would be achieved during the pilot project evaluation phase.
- (g) When remodeling, a statement which indicates that the alternate means of compliance will provide an enhanced compliance with current regulations, if full compliance cannot be achieved.

The Board may consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, if applicable, and staff recommendations.

Within 10 working days of receipt of the application, Board staff shall notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make

a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application shall be considered.

When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant, in writing, within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. Regular progress reports and evaluative data as to the success of the alternate means of compliance shall be submitted by the applicant. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Board may revise the minimum standards during the next biennial review based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

HISTORY:

- 1. (BOC 1/96) Regular order by the Board of Corrections to add Article 2, to Part 1, Title 24, C.C.R. Filed with the secretary of state on February 19, 1997; effective March 21, 1997. Approved as a regular order by the California Building Standards Commission on February 6, 1997.

Note: Authority cited: Sections 210 and 885, Welfare and Institutions Code; and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: Section 209, Welfare and Institutions Code; 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.