

**MEETING DATE:** April 7, 2022

**AGENDA ITEM:** B

**TO:** BSCC Chair and Members

**FROM:** Allison Ganter, Deputy Director, [allison.ganter@bscc.ca.gov](mailto:allison.ganter@bscc.ca.gov)

**SUBJECT:** Adult Regulation Revision: Approve Updated Revisions: **Requesting Approval**

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### Summary

On November 18, 2021, the BSCC Board approved the final revisions to the Titles 15 and 24 Regulations for Adult Local Detention Facilities (Cal. Code Regs., tit. 15, §§ 1000-1282). BSCC staff filed the final revisions with the Office of Administrative Law (OAL), and the regulations are currently open for public comment through April 18, 2022.

BSCC staff made minor, non-substantive edits to the final revisions after Board approval and prior to OAL filing; this report is a summary of those edits. BSCC staff is requesting approval of the updated final revisions.

### Background

The Board of State and Community Corrections is required to review minimum standards for local detention facilities biennially and make appropriate revisions, pursuant to Penal Code section 6030, subdivision (a).

BSCC staff provided final revisions to the BSCC Board on November 18, 2021; the BSCC approved those revisions and authorized staff to begin the rulemaking process for adoption and implementation with the Office of Administrative Law (OAL). A Notice of Proposed Action was published with the OAL on March 4, 2022; this Notice begins a 45-day public comment period that will run through April 18, 2022.

When preparing to file the final approved revisions with the OAL, BSCC staff made some non-substantive edits to the document; this report is a summary of those edits and a request for the BSCC Board to approve the updated final revisions. OAL requires that the governing body of an agency approve all final revisions to regulations.

Edits include:

**§ 1058. Use of Restraint Devices:** The word “continuous” was erroneously left out before “direct visual observation” in section (b) 5.

Final Revisions 11.18.21:

(5) Direct visual observation shall be maintained until a medical opinion can be obtained.

Updated Revisions submitted to OAL:

(5) Continuous direct visual observation shall be maintained until a medical opinion can be obtained.

**§ 1073, Grievance Procedure:** Correcting a grammatical error in section (a):

Final Revisions 11.18.21:

“ . . . included but not limited to: medical care . . . ”

Updated Revisions submitted to OAL:

“ . . . included but not limited to: medical care . . . ”

**§1083. Limitations on Disciplinary Actions:** A period was added in the first sentence to break up a run on sentence:

Final Revisions 11.18.21:

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

Updated Revisions submitted to OAL:

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

**§ 1102. Classification:** A plural “s” was removed in section (d) in reference to Section 208(c):

Final Revisions 11.18.21:

(d) provide that minors be housed separately from adults and not be allowed to come or remain in contact with adults except as provided in Sections 208(c) of the Welfare and Institutions Code.

Updated Revisions submitted to OAL:

(d) provide that minors be housed separately from adults and not be allowed to come or remain in contact with adults except as provided in Sections 208(c) of the Welfare and Institutions Code.

**§ 1207. Medical Receiving Screening:** The term “for persons sentenced to incarceration” was replaced with a clearer and more appropriate term, “incarcerated persons.”

**Final Revisions 11.18.21:**

The facility administrator and responsible physician shall develop a written plan for complying with Penal Code Section 2656 (orthopedic or prosthetic appliance used by ~~inmates~~ persons sentenced to incarceration).

**Updated Revisions submitted to OAL:**

The facility administrator and responsible physician shall develop a written plan for complying with Penal Code Section 2656 (orthopedic or prosthetic appliance used by ~~inmates~~ incarcerated persons).

**§ 1207.5. Special Mental Disorder Assessment:** The term “mental disorder” has been replaced with “behavioral health” in these regulations; updated the title of this regulation to reflect this change;

**Final Revisions 11.18.21:**

§ 1207.5. Special Mental Disorder Assessment

**Updated Revisions submitted to OAL:**

§ 1207.5. Special ~~Mental Disorder~~ Behavioral Health Assessment

**§ 1209. Mental Health Services and Transfer to Treatment Facility:** “State Department of Mental Health” was replaced with the correct agency “State Department of Health Care Services” in section (b).

**Final Revisions 11.18.21:**

“ . . . and approved by the State Department of Mental Health for . . . ”

**Updated Revisions submitted to OAL:**

“ . . . and approved by the State Department of ~~Mental Health~~ Health Care Services for . . . ”

**Recommendation/Action Needed**

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Approve updated revisions made to final Adult Title 15 Regulation revisions.

**Attachments**

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B-1: Final Revisions Submitted 11.18.21

B-2: Updated Revisions Submitted to OAL