

REVISION RECORD FOR THE STATE OF CALIFORNIA

SUPPLEMENT

January 2, 2003

2001 Title 24, Part 1, California Building Standards Administrative Code

**PLEASE NOTE: The date of this Supplement is for identification purposes only.
See the History Note Appendix for the adoption and effective dates of the provisions.**

It is suggested that the section number as well as the page number be checked when inserting this material and removing the superseded material. In case of doubt, rely on the section numbers rather than the page numbers since the section numbers must run consecutively.

It is further suggested that the superseded material be retained with this revision record sheet so that the prior wording of any section can be easily ascertained.

Please keep the removed pages with this revision page for future reference.

NOTE

Due to the fact that the application date for a building permit establishes the California Building Standards code provisions that are effective at the local level, which apply to the plans, specifications, and construction for that permit, it is strongly recommended that the removed pages be retained for historical reference.

Remove Existing Pages
139 through 150

Insert Blue Pages
139 through 150.2

CHAPTER 13. ADMINISTRATIVE REGULATIONS FOR THE BOARD OF CORRECTIONS (BOC)

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 State Board of 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 of Corrections 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:

1. **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.

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

3. **EXECUTIVE OFFICER** means the Executive Officer of the Board of Corrections.

4. **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.

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

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

7. **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.

8. **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.

9. **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 of Corrections' 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:

1. "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.

2. "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.

3. "Alternate means of compliance" means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Board of Corrections pursuant to an application.

4. "Average daily population" means the average number of inmates housed daily during the last fiscal year.

5. "Board of Corrections" means the State Board of Corrections, which board acts by and through its Executive Director, Deputy Directors and Field Representatives.

6. "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.

7. "Custodial personnel" means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent sworn or civilian rank whose primary duties are the supervision of inmates.

8. "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.

9. "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.

10. "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.

11. "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.

12. "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.

13. "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.

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

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

16. "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.

17. "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.

18. "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.

19. "Health authority" means that individual responsible for health care services pursuant to a written agreement or job description. A health authority could include a city/county health officer, physician, or medical administrator. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

20. "Health care" means medical, mental health and dental services.

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

22. "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.

23. "Licensed health personnel" includes, but is not limited to, the following classifications of personnel: physician/psychiatrist, dentist, pharmacist, physician's assistant, registered nurse/nurse practitioner/public health nurse, licensed vocational nurse and psychiatric technician.

24. "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.

25. "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.

26. "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.

27. "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.

28. "Managerial custodial personnel" 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.

29. "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.

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

31. "Over-the-counter (OTC) Drugs," as it relates to managing legally obtained drugs, are medications which do not require a prescription (nonlegend).

32. "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.

33. "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 Board of Corrections.

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

35. "Psychotropic medication" means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

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

37. "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.

38. "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 470A.

39. "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.

40. "Repair" means to restore to original condition or replace with like-in-kind.

41. "Safety checks" means regular, intermittent and prescribed direct, visual observation to provide for the health and welfare of inmates.

42. "Sentenced inmate" means an inmate that is sentenced on all local charges.

43. "Shall" is mandatory; "may" is permissive.

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

45. "Supervisory custodial personnel" means those staff members whose duties include direct supervision of custodial personnel.

46. "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.

47. "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 or 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.

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

49. "Type III facility" means a local detention facility used only for the detention of convicted and sentenced persons.

50. "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.

(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 State Board of Corrections for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the Board of Corrections in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier Board of Corrections' 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 of Corrections 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 of Corrections 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, city and county, 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 of Corrections.

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 of Corrections 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 including 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 systems compliance with standards; and
- K. Any unresolved issues.

3. **Program Statement.** Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, a program statement shall be developed by the facility administrator and submitted to the Board of Corrections for the purpose of providing the basis upon which architectural plans are drawn. The program statement must be submitted with the schematic architectural plans required by Section 13-102 (c) 5 of these regulations and 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 without the necessity of unjustified strip searches.
- 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.

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 of Corrections 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 submitted to the Board of Corrections in compliance with Penal Code Section 6029 shall be in duplicate at the schematic design phase, at the design development phase and when the construction document drawings and specifications are developed. A copy of the plans will be forwarded by the Board to the State Fire Marshal for review. Board of Corrections staff shall respond in writing indicating compliance or noncompliance 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 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 shall have openings no greater than 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.
- (3) **Health and sanitation.** Provisions of Subchapter 4, Title 15, California Code of Regulations, and of the California Uniform Retail Food Facilities Law 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 of Corrections, 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 Board of Corrections 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 comfortable 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.**
- 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.
 - 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.
 - 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) 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) 6 B: (1), (2), (3), (5), (6), (7), (9), (10) and (12). Court holding facilities shall have separate paths of travel for inmates from those used by the public.

7. **Pilot Projects.** Whenever a city, county, city and county, or any combination thereof intends to develop a facility which requires an extreme departure from these building regulations for the purpose of experimenting with building systems and/or new

designs, the Board of Corrections may grant that facility status as a pilot project on application. Such an application for a Pilot Project status shall contain, at a minimum, the following information:

- The regulations which Pilot Project status will affect.
- Criteria and documentation that the safety of staff and inmates will not be jeopardized.
- A statement of the goals the pilot project is intended to achieve.
- A progress reporting process, to the Board of Corrections, which evaluates the attainment of goals or the progress toward goal attainment.
- Any additional information or explanation that will assist the Board of Corrections to arrive at a decision.

8. **Alternate Means of Compliance.** Because circumstances, limitations, and the rapid development of new technology cannot be foreseen as these building regulations are being developed, the Board of Corrections may, upon application of a city or county, approve an alternate means of compliance with these regulations. Such an application for approval shall include, at least, the following information:

- Review of case law pertinent to the proposal, including any lawsuits brought against the applicant city or county detention facility.
- The applicant's history of compliance or noncompliance with Title 15 and Title 24 minimum jail standards.
- A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - Program activities, exercise and recreation;
 - Adequacy of supervision;
 - Types of inmates affected; and
 - Inmate classification procedures.
- A statement of how the alternative will contribute to solution of the problem.
- An overall plan of facilities development including time limits where appropriate.
- A statement of how the overall goal of providing safety to staff and inmates will be achieved within the alternate means of compliance.
- A statement which indicates that the alternate means of compliance will provide an enhanced compliance with current regulations.

HISTORY:

- (BOC 1/93) Regular order by the Board of Corrections to amend Section 13-102, Part 1, Title 24, C.C.R. Filed with the secretary of state on October 26, 1993; effective 30 days after filing at the Office of the Secretary of State, November 25, 1993. Approved as a regular order by the California Building Standards Commission on October 25, 1993.

Article 2. Minimum Standards for Juvenile Facilities

13-201. Minimum Standards for Juvenile Facilities.

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

1. "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.

2. "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 of Corrections pursuant to an application.

3. "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 of Corrections or the Board of Corrections.

4. "Appellant" means a county or city which files a request for an appeal hearing.

5. "Authorized and representative" means an individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

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

7. "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 minors made wards of the court on the grounds of fitting the description in Section 602 of the Welfare and Institutions Code may be committed.

8. "Child supervision staff" means juvenile facility employee, whose duty is primarily the supervision of minors. Administrative, supervisory, food services, janitorial or other auxiliary staff is not considered child supervision staff.

9. "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.

10. "Contact" means communications, whether verbal or visual, or immediate physical presence.

11. "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.

12. "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.

13. "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 patient.

14. "Department" means the Department of the Youth Authority.

15. "Developmentally disabled" means those persons with an I.Q. of 69 or lower with epilepsy, autism or significant neurological disability that occurred prior to age 18 and resulted in substantial disability.

16. "Direct visual observation" means staff must personally see minor's movement and/or skin. Audio/video monitoring may supplement but not substitute for direct visual observation.

17. "Direct visual supervision" means staff constantly in the presence of the minor. Audio/video monitoring may supplement but not substitute for direct visual supervision.

18. "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.

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

20. "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.

21. "Executive Director" means the Executive Director of the Board of Corrections.

22. "Facility Administrator" means Chief Probation Officer, Sheriff, Marshal, Chief of Police or other official charged by law with administration of the facility.

23. "Facility Manager" means director, superintendent, police or sheriff commander or other person in charge of the day-to-day operation of a facility holding minors.

24. "Filing date" means the date a request for an appeal hearing is received by the Executive Director or the Board of Corrections.

25. "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. When the administrator is other than a physician, final clinical judgment rests with a designated responsible physician.

26. "Health care" means medical, mental health and dental services.

27. "Health care clearance" means a nonconfidential statement which indicates to child supervision staff that there are no health contraindications to a minor being admitted to a facility and specifies any limitations to full program participation.

28. "Hearing panel" means a panel comprised of three members of the Board of Corrections 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.

29. "Inmate worker" means an adult in a jail or lockup 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 workweek.

30. "Jail" means a Type II or III facility as defined in the "Minimum Standards for Local Detention Facilities."

31. "Juvenile facility" means a juvenile hall, juvenile home, ranch or camp, forestry camp, regional youth education facility, boot camp or special-purpose juvenile hall.

32. "Juvenile hall" means a county facility designed for the reception and temporary care of minors detained in accordance with the provisions of this subchapter and the juvenile court law.

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

34. "Law enforcement facility" means a building that contains a Type I jail or Temporary Holding Facility. 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.

35. "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.

36. "Licensed health care personnel" means those individuals who are licensed by the state to perform specified functions within a defined scope of practice. This includes, but is not limited to, the following classifications of personnel: physician/psychiatrist,

dentist, pharmacist, physician's assistant, registered nurse/nurse practitioner/public health nurse, licensed vocational nurse and psychiatric technician.

37. "Living area" in a juvenile hall shall be a self-contained unit containing locked sleeping rooms, single and double occupancy sleeping rooms or dormitories, dayrooms space, water closets, wash basins, drinking fountains and showers commensurate to the number of minors housed, not to exceed 30 minors.

38. "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.

39. "Lockup" means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily for the temporary confinement of adults who have recently been arrested, except sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work. Lockups are Type I or Temporary Holding Facilities as defined in the "Minimum Standards for Local Detention Facilities."

40. "Maximum capacity" means the number of minors 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.

41. "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.

42. "Minimum Standards for Local Detention Facilities" means those regulations within Title 15, Division 1, Subchapter 4, Section 1000 et. seq. of the California Code of Regulations and Title 24, Part 1, Section 13-102, and Part 2, Section 470A of the California Code of Regulations, as adopted by the Board of Corrections.

43. "Minor" means a person under 18 years of age and includes those persons found unfit for juvenile court pursuant to Section 707 of the Welfare and Institutions Code.

44. "Nonsecure custody" means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- A. The minor is under constant personal visual supervision by the staff;
- B. The minor is not locked in a room or enclosure; and,
- C. The minor is not physically secured to a cuffing rail or other stationary object.

45. "Notice of decision" means a written statement by the Executive Director or the Board of Corrections which contains the formal decision of the Executive Director or the Board and the reason for that decision.

46. "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.

47. "Over-the-counter (OTC) drugs," as it relates to pharmaceutical management, are medications that do not require a prescription (nonlegend).

48. "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 of Corrections.

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

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

51. "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.

52. "Psychotropic medication" means those drugs whose purpose is to have an effect on the central nervous system to impact behavior or psychiatric symptoms. Psychotropic medications include, but are not limited to, antipsychotic, antidepressant, lithium carbonate and anxiolytic drugs, as well as anticonvulsants or any other medication when used to treat psychiatric conditions. Drugs used to reduce the toxic side effects of psychotropic medications are not included.

53. "Regional facility" means 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.

54. "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 460A.

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

56. "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 of Corrections.

57. "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.

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

59. "Shall" is mandatory; "may" is permissive.

60. "Special-purpose juvenile hall" means a county facility used for the temporary confinement of a minor, not to exceed 96 hours, prior to transfer to a full service juvenile facility or release.

61. "Status offender" means a minor alleged or adjudged to be a person described in Section 601 of the Welfare and Institutions Code.

62. "Storage," as it relates to pharmaceutical management, means the controlled physical environment used for the safekeeping and accounting of medications.

63. "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.

64. "Supervisory staff" means a staff person whose primary duties are 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 minor to supervision staff ratio,

although some of their duties could include the periodic supervision of minors.

65. "Temporary custody" means that the minor is not at liberty to leave the law enforcement facility.

66. "Use of force" means an immediate means of overcoming resistance and to control the threat of imminent harm to self or others.

(b) **Exclusions.** Title 24 of the California Code of Regulations, Sections 13-201 and 460A, which pertain to planning and design of juvenile facilities, shall be applicable to facilities for which architectural drawings have been submitted to the State Board of Corrections 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 of Corrections 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 minors. 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 of Corrections 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 of Corrections 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 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 of Corrections.

2. **Needs assessment study.** 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 of Corrections prior to submitting plans and specifications. The needs assessment shall include:

- A. A description of the elements of the system;
- B. A description of the department's management philosophy/process;
- C. A description of the current minor population;
- D. A description of the classification system;
- E. 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;
- F. An analysis of the corrections' system trends and characteristics which influence planning assumptions about future change, including: population projections, projections of minor population and program costs based on continuation of current policies, and projections of the impact of alternative policies or programs on minor population growth and program costs;

- G. A history of the system's compliance with standards, including the adequacy of staffing levels and the ability to provide visual supervision;
- H. A history of the adequacy of record keeping;
- I. The ability to provide confidential interviews and medical exams, and;
- J. A discussion of unresolved issues.

3. **Program statement.** Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, a program statement shall be developed by the facility administrator and submitted to the Board of Corrections for the purpose of providing the basis upon which architectural plans are drawn. The program statement must be submitted with the schematic architectural plans required by Section 13-201 (c) 5 of these regulations and must include a description of the following:

- A. Intended capacity of facility;
- B. Security and classification of minors 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 minors;
- 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 minors;
- R. Management of minors with disabilities, with provisions for wheelchairs, gurney access, and for evacuation during emergencies;
- S. Architectural treatment of space relative to preventing suicides by minors;
- 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 of Corrections 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 submitted to the Board of Corrections in compliance with Penal Code Section 6029 shall be in duplicate at the schematic design stage, at the design development stage and when final working plans and specifications are developed. A copy of the

plans will be forwarded by the Board to the State Fire Marshal for review. Board of Corrections staff shall respond in writing indicating compliance or noncompliance 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 460A.
- || B. The design of a juvenile facility shall address the following:
- (1) **Fire safety.** The provisions of Title 19 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 minor. 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 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; and
 - g. Fire sprinkler heads inside rooms shall be designed to prevent attachment.
 - (3) **Health and sanitation.** Provisions of Subchapter 5, Title 15, California Code of Regulations, and of the California Uniform Retail Food Facilities Law 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% 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% of the new Board 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 minors 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. Consideration must also be given to whether the single or double occupancy rooms will or will not include toilet fixtures.
- (5) **Staff and safety.** Facilities shall be designed and/or equipped in such a manner that staff and minors 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 comfortable 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.** Dayroom areas shall be designed and constructed so that the noise level does not exceed 65 decibels and a reverberation time less than 1.5 seconds. Sleeping areas shall have a noise level no higher than 35 decibels and a reverberation time less than 1.5 seconds. The heating, ventilating and air conditioning noise level shall be no higher than 35 decibels in sleeping areas and classrooms.
- (8) **Spaces for the disabled.**
- a. **Housing room.** A room for a minor with a disability requiring a wheelchair must have an appropriate entry and a toilet, washbasin, and drinking fountain which the minor 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 minor will not be excluded from participating in any program for which they would otherwise be eligible. An accessible shower for disabled minors 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.** The design shall facilitate security and supervision appropriate to the security level of minors in custody. The facility's perimeter shall be controlled by appropriate means to provide that minors remain within the perimeter and shall be designed to prevent access by the general public without proper authorization.
- (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 minors. When the 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 minors, but not in the living area of either. Treatment spaces and the medical care housing unit shall be designed in consultation with the health author-

ity. 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.

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

The Board of Corrections 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 minors 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 minors shall be achieved.

The Board of Corrections 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 of Corrections 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 of Corrections, the Board 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 of Corrections 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 of Corrections shall not exceed 12 months after its approval date. When deemed to be in the best interest of the applicant, the Board of Corrections 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 of Corrections 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 of Corrections, to encourage responsible innovation and creativity in the operation of California's local juvenile facilities. The Board of Corrections 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 of Corrections. The city, county, or city and county shall present the completed application to the Board of Corrections 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 minors 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 minors 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 of Corrections 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 of Corrections 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 of Corrections, the Board 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 of Corrections 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.

HISTORY NOTE APPENDIX FOR CHAPTER 13

Administrative Regulations for the Board of Corrections (Title 24, Part 1, California Code of Regulations)

The format of the history notes has been changed to be consistent with the other parts of the California Building Standards Code. The history notes for prior changes remain within the text of this code.

1. (BOC 1/97) Regular order by the Board of Corrections to amend their administrative regulations pertaining to Local Detention Facilities. Filed with the secretary of state on March 25, 1998; effective April 24, 1998. Approved by the California Building Standards Commission on March 18, 1998.

2. January 2, 2003 Supplement approved by the California Building Standards Commission on January 31, 2001, Filed with the Secretary of State on February 2, 2001, published January 1, 2003 and effective 180 days after publication—July 1, 2003:

Section 13-102(a)5 — Revise “. . . Executive Officer . . .” to read “. . . Executive Director . . .”.

Section 13-102(a)9 — Revise “Detoxification cell” to read “Sobering cell”.

Section 13-102(a)24 — Revise “. . . as detoxification, safety, . . .” to read “. . . as sobering, safety, . . .”.

Following Section 13-102(a)18, insert a new Section 13-102(a)19. Renumber Sections 13-102(a)29 and 13-102(a)30 as Section 13-102(a)30 and 13-102(a)31 respectively.

Following renumbered Section 13-102(a)31, insert a new Section 13-102(a)32. Renumber Sections 13-102(a)31 through 13-102(a)35 two numbers higher.

Following renumbered Section 13-102(a)37, insert a new Section 13-102(a)38. Renumber Section 13-102(a)36 as 13-102(a)39.

Following renumbered Section 13-102(a)39, insert a new Section 13-102(a)40. Renumber Sections 13-102(a)37 through 13-102(a)46 four numbers higher.

(All of the following references for Section 13-102 et seq. use the revised Section numbers.)

Section 13-102(c)2 — At the end of the first paragraph delete the words “The needs assessment study shall include:” and items A. through F. Insert new lead provision and items (a) through (k).

Section 13-102(c)3.R — Revise “disabled inmates” to “persons with disabilities.”

Section 13-102(c)3.T — Revise “Section 4465.5” to “Section 4030.”

Section 13-102(c)3.V — Revise “Detoxification Cell(s)” to Sobering cell(s).”

Section 13-102(c)6.B.(2) — In the tenth line, revise “detoxification cells” to “sobering cells.”

Section 13-102(c)6.B.(4)a — Revise “mentally disordered” to “persons with disabilities.”

Section 13-102(c)6.B.(4)d — Delete the words “The needs assessment study shall include, but not be limited to, a description of:” and delete the items a. through j. immediately below.

Section 13-102(c)6.B.(9) — Revise the title to “**Spaces for persons with disabilities.**”

Section 13-102(c)6.B.(9)a — Revise the definition to read “A cell or room for an inmate with a disability using a wheelchair must have an appropriate entry and a toilet, washbasin and drinking fountain which the inmate can use without personal assistance.”

Section 13-102(c)6.B.(9)b — Revise “. . . disabled inmate . . .” to “. . . persons with disabilities . . .”; and revise the last sentence to read “Accessible showers for inmates with disabilities shall be available.”

Following Section 13-102(c)6.B.(10) insert a new Section 13-102(c)6.B.(11) and renumber the existing Section 13-102(c)6.B.(11) to Section 13-102(c)6.B.(12).

Following the newly renumbered Section 13-102(c)6.B.(12), insert new Sections 13-102(c)6.B.(13) and 13-102(c)6.B.(14).

Section 13-102(c)6.C — Revise the fourth line to read “. . . (6), (7), (9), (10), and (12). Court holding . . .”

Section 13-201(a)2 — Revise the second line to read “. . . in an innovative way as approved by . . .”.

Section 13-201(a)3 — Revise “. . . Executive Officer . . .” to “. . . Executive Director . . .”.

Section 13-201(a)5 — Replace “. . . his or her . . .” with “. . . its . . .”.

Section 13-201(a)6 — Replace “. . . officer . . .” with “. . . director . . .”.

Section 13-201(a)7 — Revise “. . . Section 880 of the California Welfare and Institutions Code . . .” to read “. . . Section 881 of the Welfare and Institutions Code, . . .”; and revise “. . . Section 602 of the California Welfare and Institutions Code . . .” to read “. . . Section 602 of the Welfare and Institutions Code . . .”.

Section 13-201(a)8 — In the last line, replace “. . . are . . .” with “. . . is . . .”.

Section 13-201(a)9 — Revise “. . . means sentenced to a jail . . .” to read “. . . means placed in a jail . . .”.

Section 13-201(a)15 — Revise “. . . an I.Q. of 70 or lower . . .” to read “. . . an I.Q. of 69 or lower . . .”.

Insert a new Section 13-201(a)16 and renumber the existing Sections 13-201(a)16 thru 13- thru 13-13-201(a)51 one number higher.

(The following references use the revised Section numbers.)

Section 13-201(a)17 — In the last line, replace “. . . observation . . .” with “. . . supervision . . .”.

Section 13-201(a)21 — Revise “. . . Executive Officer . . .” to “. . . Executive Director . . .”.

Section 13-201(a)24 — Revise “. . . Executive Officer or . . .” to “. . . Executive Director of . . .”.

Section 13-201(a)27 — Revise “. . . contraindications to minors being . . .” to read “. . . contraindications to a minor being . . .”.

Section 13-201(a)28 — In the third and last lines, revise “. . . the appeal . . .” to read “. . . an appeal . . .”.

Section 13-201(a)31 — Revise the second line to read “. . . forestry camp, regional youth educational facility, boot camp or . . .”.

Section 13-201(a)32 — In the last line, revise “. . . article . . .” to read “. . . subchapter . . .”.

Section 13-201(a)34 — Revise the first and second lines to read “. . . means a building that contains a Type I or Temporary Holding Facility. It does not include . . .”.

Section 13-201(a)35 — In the fifth line, add a “,” after the word “determined” and in the sixth line add a “,” after the word “effects.”

Section 13-201(a)37 — In the third line revise “. . . sleeping rooms and/or dormitories . . .” to read “. . . sleeping rooms or dormitories . . .”.

Section 13-201(a)38 — In the last line, revise “. . . their jurisdiction.” to read “. . . his/her jurisdiction.”

Section 13-201(a)39 — In the second line change “. . . which . . .” to “. . . that . . .”; and at the end of the Section add “Lockups are Type I or Temporary Holding Facilities as defined in the “Minimum Standards for Local Detention Facilities.”

Section 13-201(a)40 — Revise “. . . minors authorized to be housed . . .” to “. . . minors that can be housed . . .”; and revise “. . . forestry camp or boot camp . . .” to read “. . . forestry camp, regional youth education facility, or boot camp . . .”; and in the last line, replace “article” with “subchapter.”

Section 13-201(a)41 — Revise last line to read “. . . administrative responsibility for the mental health program.”

Section 13-201(a)42 — Capitalize Minimum Standards for Local Detention Facilities and after “. . . Subchapter 4, . . .” add “Section 1000 et seq.”

Section 13-201(a)43 — In the last line omit the word “California.”

Section 13-201(a)44B. — Add a “,” after “and.”

Section 13-201(a)45 — Revise “. . . Executive Officer . . .” to “. . . Executive Director . . .”

Section 13-201(a)46 — Revise the third line to read “. . . pursuant to a contract, . . .”.

Section 13-201(a)48 — Revise the third line to read “. . . pursuant to an application . . .”.

Section 13-201(a)50 — Revise the last line to read “. . . on an appeal.”

Insert a new Section 13-201(a)53 and renumber existing Sections 13-201(a)52 thru 13-201(a)64 two numbers higher.

(The following references use the revised Section numbers.)

Section 13-201(a)54 — Revise the last line to read “. . . specified in Title 24 Section 460A.”

Section 13-201(a)56 — Revise “. . . Executive Officer or . . .” to “. . . Executive Director of . . .”.

Section 13-201(a)57 — In the last line change “. . . authority.” to “. . . administrator.”

Section 13-201(a)60 — Revise the second line to read “. . . of a minor, not to exceed 96 hours, . . .”.

Section 13-201(a)61 — Omit the word “. . . California . . .” from the second line.

Section 13-201(a)63 — Revise the first line to read “. . . Supervision in a law enforcement facility” means . . .”; and revise the second line to read “. . . is being directly observed by the . . .”.

Section 13-201(b) — Revise the seventh line to read “. . . Youth Authority of the Board of Corrections in effect . . .”.

Section 13-201(c)1 — Revise the first line to read “. . . or regional juvenile facility . . .”.

Section 13-201(c)2 — Revise the second line to read “. . . or regional juvenile facility . . .”; and revise the third line to read “. . . facility, or expand the rated capacity of the current facility shall complete . . .”; and replace existing items A through E with new items A through J.

Section 13-201(c)3 — In item R revise the first line to read “. . . Management of minors with disabilities with provisions . . .”; and in item S omit “and,” from the last line; and in item T revise “. . . Section 4465.5” to “. . . Section 4030” and add “. . . and,” to the last line; and insert a new item U.

Section 13-201(c)4 — Revise the second line to read “. . . county, or regional juvenile facility . . .”.

Section 13-201(c)6B — Revise the first line to read “. . . facility shall address the . . .”.

Section 13-201(c)6B(3) — Revise “. . . Subchapter 4 . . .” to read “. . . Subchapter 5 . . .”.

Section 13-201(c)6B(4) — Insert new language before “. . . single or double occupancy.”; and omit the heading “. . . The needs assessment shall include but not be limited to a description of:” along with the items a. through k. below it.

Section 13-201(c)6B(8)a. — Revise the definitions to read “. . . A room for a minor with a disability requiring a wheelchair, must have an appropriate entry and a toilet, washbasin and drinking fountain which the minor can utilize without personal assistance.”

Section 13-201(c)6B(10) — Revise the title to read “. . . **health care housing and treatment space**.”; and revise the second line to read “. . . housing and treatment of ill . . .”; and revise the tenth line to read “. . . Treatment spaces and the medical care housing . . .”.

Section 13-201(c)8 — Revise the second line of the second paragraph to read “. . . compliance shall enhance, be equal to, or . . .”; and insert a new item (g).