

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE BOARD OF STATE AND COMMUNITY CORRECTIONS
REGARDING THE MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION
OF LOCAL AND JUVENILE DETENTION FACILITIES
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1 AND 2
(BSCC 01/18)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

The Board of State and Community Corrections (BSCC) is required by Penal Code 6030 and Welfare and Institutions Codes 210 and 885 to adopt minimum standards for the construction of local and juvenile detention facilities. The proposed revisions incorporate necessary requirements for the design and construction of detention facilities that are consistent with current laws and practices.

In reviewing the current regulations, the BSCC set out to provide juvenile and local detention facilities with a clear and concise guide to navigate the requirements as they pertain to specific facilities.

The proposed amendments improve the safety and security of detained youth and incarcerated adults; update terms used throughout the text with current language; ensure youth are detained in spaces that feel more home-like; improves accessibility of disabled persons; and place more emphasis on privacy and the prevention of voyeurism.

The BSCC anticipates several benefits from the proposed regulation adoption and amendment, including: Improved safety and security for youth, staff, and incarcerated persons; further protection against invasions of privacy and voyeurism; improved accessibility; and more home-like environments for youth, including outer-facing windows where feasible.

PART 1, SECTION 13-102

13-102 Minimum Standards for Local Detention Facilities

This section outlines the requirement for the design of local detention facilities, including but not limited to facility security. Section 13-102(c)(6)(A) has been modified to replace an outdated reference to Title 24, Part 2, Section “2-1013” with the appropriate reference to Section “1231”. Regarding 13-102(c)(6)(B)(10) Security, language pertaining to the prevention of sexual abuse and harassment has been added to reflect the current need that facilities be designed with such potential hazards in mind. There is no anticipated operational or fiscal impact.

PART 1, SECTION 13-201

13-201 Minimum Standards for Juvenile Facilities

This section outlines the requirement for the design of juvenile detention facilities, including but not limited to needs assessments, spaces for disabled persons, security, and floor drains.

Subdivision (a) has been modified to provide definitions for the terms “voyeurism” and “youth”. The term “voyeurism” is necessary to ensure that there is consistent understanding of its meaning as it is used in other related areas of Title 24 regulations. The term “youth” is the correct word to describe a person who is detained in a juvenile detention facility and is replacing the term “minor” throughout all the regulations promulgated by the BSCC.

New language pertaining to technological trends and advancements has been added as a required topic of analysis in Subdivision (c)(2)(A)(6) because facilities should be considering current and future technology as a factor of future change in correction systems.

Subdivision (c)(6)(B)(8), spaces for the disabled, has been updated to require that all spaces of a local juvenile facility be compliant with Title 24, Part 2. To effect this change, subdivision (c) has been modified to require that all spaces of a local juvenile facility be compliant with Title 24, Part 2, which includes accessibility requirements promulgated by the Division of State Architect Section (c)(6)(B)(8)(a) will be removed, which limited disability requirements in only housing room areas of juvenile facilities. The remaining sections have been renumbered for formatting. The Board of State and Community Corrections is not the state agency charged with promulgating California Building Code provisions that address accessibility for persons with disabilities and therefore is not an expert in regulating, enforcing, or inspecting, such requirements. Modifying Subdivision (c)(6)(B)(8) as described above will ensure that accessibility requirements are met according to the sections of Title 24 promulgated by the Division of the State Architect. These modifications are consistent with those found in the minimum requirements of local facilities (Title 24, Part I, Section 13-102(6)(b)(9)).

Language pertaining to the prevention of sexual abuse and harassment has been added to subdivision (c)(6)(B)(9), to reflect the current need that facilities be designed with such potential hazards in mind. An additional requirement has been added as subdivision (c)(6)(B)(12) to require that floor drains be provided where operationally and mechanically appropriate because some spaces of detention facilities, bathrooms for example, should be built with such drains which are necessary for sanitation and flood prevention. Operationally, the proposed changes will bring regulation in line with other Title 24 regulations and the ADA requirements. There is no anticipated fiscal impact.

PART 2, SECTION 1230

1230.1.1 Reception/ intake admission.

This section outlines the requirements for the design of reception/ intake admission areas. The term “minor” is used throughout this section, which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.1.2 Locked holding room.

This section outlines the requirements for the design of locked holding rooms. In subdivision 1230.1.2(1) an “r” was added to the word “pe,” to correct a typo, the correct word is “per.” In subdivision 1230.1.2(4), the language “,mirror” has been added for consistency with newly proposed section 1230.2.11 which requires that mirrors be provided near each wash basin. There is no anticipated operational or fiscal impact.

1230.1.3 Natural light.

This section outlines the requirements for natural light. The requirement that “visual access to natural light” has been replaced with “outer-facing exterior windows where youth’s privacy is not at risk” to ensure that facilities being built are steered towards providing more home-like environments, including outer exterior windows when feasible. There is no anticipated operational or fiscal impact.

1230.1.4 Corridors.

This section outlines the requirements for corridor spaces. The note “Exception: Where room doors are staggered, or if rooms are located on only one side, corridors shall be at least 6 feet (1829 mm) wide” has been removed because it was outdated and did not meet current standards or practices. There is no anticipated operational or fiscal impact.

1230.1.6 Locked sleeping rooms.

This section, which outlines the requirements for locked sleeping rooms, has been modified by inserting a new requirement that rooms shall be equipped with mirrors. This proposed change is being made for consistency with newly proposed section 1230.2.11 which requires that mirrors be provided near each wash basin. There is no anticipated operational or fiscal impact.

1230.1.7 Single occupancy sleeping rooms.

This section outlines the provisions for single occupancy sleeping rooms and has been modified to include that each room contain a bed, as specified in 1230.2.5. A bed is a necessary element for a space to be considered a sleeping room. There is no anticipated operational or fiscal impact.

1230.1.8 Double occupancy sleeping rooms.

This section outlines the provisions for double occupancy sleeping rooms and has been modified to include that each double occupancy room contain beds, as specified in 1230.2.5. Beds are necessary elements for a space to be considered a double occupancy sleeping room. There is no anticipated operational or fiscal impact.

1230.1.9 Dormitories.

This section outlines the requirements for dormitories. The term “minor” is used throughout this section, which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.1.10 Dayrooms.

This section outlines the provisions for dayroom spaces and has been modified to include a requirement that dayroom spaces contain tables and seating to accommodate the maximum number of youth allowed access at a given time. It is common practice that

dayroom space contains tables and chairs, however, more explicit language is necessary to clarify and ensure that each youth given access to the dayroom space has the ability to sit at a table. The term “minor” is an outdated reference to persons detained in juvenile detention facilities, and the correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.1.11 Physical activity and recreation areas.

This section outlines the requirements for physical activity and recreation areas. The term “minor” is used throughout this section, which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

Table 1230A Required Spaces and Equipment in Juvenile Facilities

Table 1230A provides a list of Title 24 Part 2 Sections that apply to the different types of juvenile detention facilities: halls, camps, and special purpose juvenile halls. The term “minor” is an outdated reference to persons detained in juvenile detention facilities and has been replaced with “youth.” Two new lines in the table have been inserted for Section 1230.2.10, Security Glazing, which was adopted in the last regulation revision but was not added to the table, and for 1230.2.11, Mirrors, which is a newly proposed section. There is no anticipated operational or fiscal impact.

1230.1.12 Academic classrooms.

This section outlines the provisions of academic classroom space and has been modified by inserting new language requiring that there be space available in every juvenile facility for specialized, one-on-one or small group educational purposes. The new space requirement is proposed to ensure that all minors attending school may receive one-on-one or small group educational services in a space separate from large group activities, when the educational need for such specified services is determined. There is no anticipated operational or fiscal impact.

1230.1.13 Safety room.

This section outlines the provisions of safety room spaces in juvenile facilities. Subdivision 1230.1.13(1) has been modified to change the minimum square footage from 63 square feet (5.9m²) to 48 square feet (4.5m²) because from a security standpoint, a room size of 63 square feet is too large and poses unnecessary dangers to youth and staff. Subdivision 1230.1.13(2) was modified to replace the term “minor” with “youth” for consistency with other sections of these regulations and to ensure that the proper and current terminology is provided in regulation. For safety and security subdivision 1230.1.13(6) was modified to replace the requirement that access to a toilet, wash basin, and drinking fountain outside of the room be provided. The proposed requirement is that the safety room contain a flushing ring toilet, capable of accepting solid waste which shall be mounted to the floor and the controls for which will be located outside of the cell. This change will remove the safety hazards associated with having wash-basins and drinking fountains in safety cells and provide access to a toilet controlled by facility staff to prevent flooding of cells. Subdivision 1230.1.13(8) was modified to include “; and,” and a new subdivision, 1230.1.13(9) is proposed to ensure that a food pass be provided for safety cells. The lockable food pass requirement will improve safety in the facility by allowing meals to be provided to youth in their rooms through the pass, rather than having staff open the door,

or moving youth to areas where meals are served. There is no anticipated operational or fiscal impact.

1230.1.14 Medical examination room.

This section outlines the requirements of medical examination rooms and has been modified to replace the outdated term “minor” with “youth” which is the current language used to describe someone who is detained in a juvenile detention facility. The formatting of subdivision 1230.1.14(5) and (6) were modified to allow for new subdivisions (7) and (8) to be added. Proposed subdivisions (7) and (8) require that a medical examination table and adequate lighting are available in examination rooms. These elements would normally exist in an examination room, however more explicit language was required to ensure that they are provided. These changes are consistent with existing requirements in Section 1231.2.12 of the minimum standards for local detention facilities. There is no anticipated operational or fiscal impact.

1230.1.16 Dining areas.

This section outlines the requirements for dining areas in juvenile facilities and has been modified to replace the term “minor,” which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.1.17 Visiting space.

This section outlines the requirements for visiting spaces within a juvenile detention facility. Language requiring that “in-person” visiting space “which shall be unobstructed by barriers such as, but not limited to, security glazing or mesh,” be provided in all visiting spaces. In-person visitation where a youth may see or hear a friend or family member is important to providing positive interactions and improve a youth’s transition back into their community. Visiting without barriers also provides a more home-like environment. There is no anticipated operation or fiscal impact.

1230.1.19 Personal storage.

This section outlines the requirements of personal storage space and has been modified to replace the term “minor,” which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.1.24 Confidential interview room.

This section outlines the requirements for confidential interview rooms and has been modified to replace the term “minor,” which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.1.26 Court holding room for youth.

This section outlines the requirements for court holding rooms and has been modified to replace the term “minor,” which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” Subdivision 1230.1.26(7) is proposed to ensure that a mirror, of a material appropriate to the security level, is provided in all court holding spaces so that youth may have the

opportunity to groom themselves before attending court. There is no anticipated operational or fiscal impact.

1230.1.27 Program and activity areas.

This section outlines the requirements for program and activity areas and has been modified to replace “camp and ranch” with “all juvenile” facilities as program and activity space is a necessary element for providing youth with programming opportunities. There is no anticipated operational or fiscal impact.

1230.2.1 Toilet/urinals.

This section outlines the requirements for toilets and urinals. The language of this section has been modified to ensure that all toilet areas, not just living units, provide for the privacy of a youth and reduce the risk of voyeurism without mitigating the ability for staff to supervise. This change is to ensure that youth are receiving a level of privacy that protects them against abuse, harassment, or voyeurism while still being supervised at an appropriate level. The term “minor,” which is an outdated reference to persons detained in juvenile detention facilities has been replaced with “youth” where appropriate. The note regarding privacy has been removed as that issue is now addressed in the body of section 1230.2.1. There is no anticipated operational or fiscal impact.

1230.2.2 Wash basins.

This section outlines the requirements for wash basins and has been modified to replace the term “minor,” which is an outdated reference to persons detained in juvenile detention facilities. The correct term “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.2.3 Drinking fountains.

This section outlines the requirements for drinking fountains and has been modified to replace the term “minor,” which is an outdated reference to persons detained in juvenile detention facilities. The correct term, “youth” has been inserted to replace “minor.” There is no anticipated operational or fiscal impact.

1230.2.4 Showers.

This section outlines the requirements for showers in juvenile facilities. The term “minor,” which is an outdated reference to persons detained in juvenile detention facilities has been replaced with the correct term “youth”. The note at the bottom of the section has been moved up into the body and expanded upon to provide youth with privacy that reduces the risk of voyeurism. There is no anticipated operational or fiscal impact.

1230.2.5 Beds.

This section outlines the requirements for beds in juvenile facilities. The language “or constructed of concrete” was removed from the description of bed types. This change was made to ensure that youth are detained in facilities that are providing less-institutional, and more home-like, environments, including parts of the facility where youth sleep. There is no anticipated operational or fiscal impact.

1230.2.11 Mirrors.

This newly proposed section outlines the requirements for mirrors. This section has been added because there are mirrors installed in detention facilities, but they are not addressed in Title 24 regulations. Mirrors are important to proper grooming and hygiene and therefore are necessary to provide near each wash basin. There is no anticipated operational or fiscal impact.

PART 2, SECTION 1231

1231.2.18 Visiting space.

This section outlines the requirements for visiting space within local detention facilities and has been modified by inserting the requirement that “in-person” visiting space be provided in Types I, II, III and IV facilities. This change is required by penal code 4032, which states that facilities that offered in-person visitation as of January 1, 2017 may not convert to video only visitation. Facilities built and operated after that date must have spaces where in-person visitation is available. There is no anticipated operational or fiscal impact.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

The BSCC did not rely upon any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

The prescriptive standards contained in these regulations are proposed to align minimum standards for the design and construction of juvenile and local detention facilities with current industry practices and requirements by providing for adequate lighting and examination room tables in medical exam rooms, give full authority to privacy requirements in toilets/urinals and showers, ensure protection against voyeurism and improve accessibility to areas in a way that more closely matches with the intent of ADA Requirements.

CONSIDERATION OF REASONABLE ALTERNATIVES

No other alternatives were presented to or considered by the BSCC when proposing the adoption of these regulations.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The BSCC has determined that the proposed regulatory action will not affect small business because the scope of these regulations is specific to the operation and design of local detention facilities.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

The BSCC is not aware of any significant adverse impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The BSCC has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

The proposed amendments will not create or eliminate jobs within the state of California

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed amendments will not create new businesses or existing businesses within the state of California.

C. The expansion of businesses currently doing business within the State of California.

The proposed amendments will not expand businesses currently doing business within the state of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The anticipated benefits to this regulation are increased welfare of incarcerated persons and worker safety. The welfare of incarcerated persons and worker safety will be affected positively by the amendment of current accessibility requirements, the inclusion of proper medical examination room equipment and lighting, and privacy and protection against voyeurism, and outward facing windows where feasible, among many other positive changes will provide better protection and safer, more home-like environments in detention facilities. The BSCC has determined that the state's environment will not be affected by the proposed amendments as the amendment subjects are already items that a facility would plan for when designing and/or constructing a new facility.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

The BSCC has determined that any cost associated with the proposed regulations would be insignificant. In designing and constructing local detention facilities, agencies must still comply with other federal and state guidelines such as accessibility (ADA) requirements, and would still, for example, design spaces with adequate lighting and exam tables in medical examination rooms. The proposed changes reflect what is current industry standard but had not yet been codified as regulation.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The BSCC did not identify any duplicate or conflicting federal regulations.