

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CORRECTIONS STANDARDS AUTHORITY

**REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART I, CHAPTER 13, SECTION 13-102
AND PART II, CHAPTER 12, SECTION 1231**

Minimum Standards for the Design and Construction of Local Detention Facilities

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 AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment, or repeal and the rational the determination by the agency that EACH adoption, amendment, or repeal is reasonably necessary to carry out the purpose for which it is proposed.)

Part I
Section 3-102

13-102. (a) Definitions.

This regulation contains definitions of terms used throughout applicable Title 15 regulations. Proposed changes would add nine (9) definitions, delete two (2), and modify four (4) current definitions.

Due to legislative change, the terms “Board” has been replaced with “Corrections Standards Authority” in the following definitions:

- Alternate means of compliance
- Board
- Pilot project

Proposed changes include the addition of the definition of “Clinical evaluation.” This definition clarifies who may perform such an assessment as referred to in Article 11, Medical/Mental Health Services. The changes will not affect operations and will add clarification to applicable regulations.

Proposed revisions add the definition for “Concept drawings” to describe the drawings or architectural renderings that, along with performance criteria, participating counties will develop to describe their design-build projects.

Proposed revisions modify the definition for “contact” to ensure consistency with related state and federal statutory definitions and requirements for contact; there is no operational change to the regulation.

Proposed changes replace the term “primary duties” in the definition of “Custodial Personnel” with “duties include” to reflect actual practice and to ensure that individuals whose duties include supervision of inmates receive adequate training pursuant to training regulations contained herein. There is no operational impact; this change will help increase compliance with the regulation since persons with any duties that include supervising inmates, not just primary duties, must be trained in accordance with Title 15.

Proposed revisions add the definition for “Design-bid-build” to describe the building process generally used to construct a facility. It is the building process where the project is designed by an architectural firm that produces 100 percent complete construction documents, the project is put out to bid, and a bid is awarded to a construction firm that builds the project.

Proposed revisions add the definition for “Design-build” to describe the building process where the project is designed and built by the same contracted entity. For these regulations there are some distinct requirements for the "design-bid-build" process that differs from the "design-build" process.

The term “Facility watch commander” was added since the term is used in specific Title 15 regulations, but is not currently defined. The definition is intended to mean the “officer in charge” or shift supervisor at a facility, and does not distinguish a specific rank. Local detention facilities are already using staff to fill the position of “facility watch commander,” and this proposed addition will not have operational impact.

Proposed revisions modify the definition for “Law enforcement facility” by adding the word “lockup.” The term lockup had been inadvertently omitted from previous regulations; this revision is consistent with relevant state statute and regulations.

Proposed changes include deleting the definition “Licensed health care personnel.” Since there are only a few regulations that refer to this term, and such personnel’s roles and qualifications are established in Section 1203, Health Care Staff Qualifications, such a definition is redundant and unnecessary. The proposed change will not have operational impact.

The definition for “Inmate worker” has been deleted; other regulatory reference to this term has been deleted in relevant Title 15 regulations and the term is no longer germane.

Proposed revisions add the definition for “Performance criteria” to describe the information prepared pursuant to Public Contract Code 20133 that is provided by a county, city or city and county that fully describes the scope of the proposed design-build project.

Proposed revisions add the definition for “Preliminary drawings” to explain a term to describe the first set of documents submitted by the county, city or city and county in the design-build process.

Proposed revisions add the definition for “Working drawings” to explain a term used to describe the final set of documents from the participating county used in the design-build process.

Non-substantive statutory citations, grammatical, punctuation, and/or spelling corrections were made.

13-102 (b) Exclusions.

This regulation describes how these Title 24 regulations apply to local detention facilities. The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 1. Letter of intent.

This regulation requires local government to submit a letter notifying the Corrections Standards Authority of the intent to build or remodel a local detention facility. The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 2. Needs assessment study.

This regulation describes the requirement and the elements of a needs assessment that must be submitted to the Corrections Standards Authority in the event that local government intends to construct a local detention facility.

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 3. Operational program statement.

This regulation describes the requirements and the elements of the operational program statement that must be submitted to the Corrections Standards Authority in the event that local government intends to construct a local detention facility.

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

The proposed revision clarifies that the operational program statement must be submitted with schematic architectural plans when the “design-bid-build” construction process is being utilized. In the event that the “design-build” construction process is being utilized, language was added to require the operational program statement be submitted with performance criteria or performance criteria and concept drawings. There is no operational impact.

The proposed revision adds an additional requirement for the management of minors in the operational program statement. There is no operational impact.

13-102 (c) 4. Type III and Type IV facilities in existing buildings.

This regulation describes the process that local government must follow if they intend to establish a specific type of local detention facility in an existing building or buildings. The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 5. Submittal of plans and specifications.

This regulation describes the frequency of the submittal of drawings and specifications that local government must submit to the Corrections Standards Authority for their review. The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

The current regulation requires that plans and specifications shall be submitted in duplicate to the Corrections Standards Authority. Proposed revisions would require only one set of plans be submitted.

The proposed revision clarifies that only one set of plans be submitted for the schematic design, design development and construction document phases of design for “design-bid-build” projects. For “design-build” projects, one set of preliminary drawings and one set of working drawings are required to be submitted.

Reference to the State Fire Marshal has been deleted. The Corrections Standards Authority no longer provides office space for State Fire Marshal plan review staff, eliminating the need for a second set of plans and specifications to be submitted.

13-102 (c) 6. Design requirements.

This regulation outlines design requirements for the various facility types.

Proposed revisions also add Title 24, Part II to Section (B) 1 of the regulation to update the appropriate regulatory cite. State Fire Marshal fire safety regulations are currently located in Title 24, Part II as well as Title 19. There is no operational impact.

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

This regulation outlines design requirements for the various facility types. Proposed revisions would add the statement: “and any other vent or security cover” at subsection B(2)c. clarifying the intent of the existing regulation. There is no operational impact.

Subsection B(2)h was added to require a minimal telephone cord length to reduce the likelihood of its use as a ligature.

Proposed revisions update the reference to the California Retail Food Code in Section (B) 3. This revision is consistent with replacement of the California Uniform Retail Food Facilities Law. There is no operational impact.

Proposed revisions delete the term “comfortable” in Section B(6); since this is a subjective term it may be difficult to design a heating and cooling system that is comfortable to everyone. The regulation continues to require heating and cooling systems to be designed consistent with regulations. There is no operational impact.

Reference to medical/mental health housing was moved to subsection B(15) and subsection B(14) was added to require a sewage system that is capable of addressing items that may impact wastewater systems. This was done to ensure that sewer system design take into consideration the potentially damaging items that may be flushed in a detention facility. Several local jurisdictions have opposed certain construction and design because of impact to local waste water systems; this regulation will emphasize that agencies consult with local representatives to ensure that waste water systems are not negatively impacted by a detention facility’s sewage system.

Non-substantive statutory citations, grammatical, punctuation, and/or spelling corrections were made.

13-102 (c) 7. Pilot projects.

This regulation describes the short-term method used by a local detention facility/system and approved by the Corrections Standards Authority, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

13-102 (c) 8. Alternate means of compliance.

This regulation describes the long-term method used by a local detention facility/system and approved by the Corrections Standards Authority, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The proposed revisions reflect legislative action, replacing Board with Corrections Standards Authority. There is no operational impact.

During previous revisions, the added text was submitted to, and approved by the Building Standards Commission for addition. Due to an error, however, the addition was not picked up in the official published version of the California Building Standards Code. This addition will correct this omission.

Part 2, Section 1231

1231.2.5 Safety cell.

This regulation describes the physical plant requirements for a safety cell. Non-substantive formatting and punctuation changes were made to this regulation.

1231.2.8 Dormitories.

This regulation outlines the physical plant requirements of a dormitory. The proposed revision would eliminate the requirement for secure storage space and require that only storage space for personal items be provided.

Replacing the term “less” with “fewer” corrects an error made by the Building Standards Commission in their published code.

1231.2.9 Dayrooms.

This regulation outlines the space requirements for dormitories in local detention facilities.

Changes delete the term “exclusive of circulation corridors of 3 feet (914 mm).” This phrase was deleted in the 1998 regulations revisions, and was subsequently deleted in the published Building Standards Code. Unbeknownst to CSA staff, this phrase was replaced in the Building Standards Code, 2010 triennial edition. This change will return the regulation to its intended state.

1231.2.22 Audio monitoring system.

This regulation requires an inmate or sound-actuated audio monitoring system in court holding, temporary holding, Type I, Type II, and Type III facilities that is capable of alerting personnel so that they can respond in the event of an emergency.

This regulation was amended to specify those areas where the audio monitoring would be required.

This regulation was also amended to require that the audio monitoring system terminate at a location where staff can respond immediately, deleting language referencing a central control point.

1231.3.7 Windows.

This regulation outlines physical plant requirements for windows which are constantly accessible to inmates. The proposed addition of the word “exterior” will add clarity to the intent of the regulation.

1231.3.12 Weapons locker.

This regulation describes the requirements for a weapons locker in local detention facilities. The current regulation requires a weapons locker be located outside the secure perimeter of the facility.

Proposed revisions delete unnecessary language; the current requirement is in conflict with Penal Code Section 4574 and is overly restrictive.

Non-substantive grammatical, punctuation, and/or spelling corrections were made.

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

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

The Corrections Standards Authority (CSA) did not rely on any technical, theoretical or empirical studies, reports or similar documents in proposing the adoption of these regulations.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate)

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

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

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

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

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

(Government Code Section 11346.2(B)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies in to support an initial determination that the action will not have a significant adverse economic impact on business)

The CSA 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.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health,

public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives)

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