SECTION 13-201(c) INITIAL PLANNING FOR A LOCAL JUVENILE FACILITY.

Section 13-201(c) 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.

Section 13-201(c) 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.

Section 13-201(c) 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.

Section 13-201(c) 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.

Section 13-201(c) 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 non-compliance with these regulations.

Section 13-201(c) 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 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 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 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. 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 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 authority. If negative pressure isolation rooms are being

planned, they shall be designed to the community standard. Medical/mental health areas may contain other than single occupancy rooms.

Section 13-201(c) 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 which 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 which 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/non-compliance 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.

Section 13-201(c) 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.

D. 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;
E. the projected costs of the alternative and projected cost savings to the city, county, or city and county if any;
F. a plan for developing and implementing the alternative including a time line where appropriate; and,
G. 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.
H. 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.