



LINDA M. PENNER
Chair

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STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

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EDMUND G. BROWN, JR.
Governor

March 26, 2018

Mr. Terry Vernon
625 Court Street, Room 202
Woodland, California 95695

Dear Mr. Vernon:

I am writing to request additional information prior to the execution of the Board of State and Community Corrections ("BSCC") Construction Agreement between Yolo County and the BSCC for Yolo County's AB 900 Phase II project. The BSCC Construction Agreement is necessary to process reimbursement payments for the county.

The BSCC Construction Agreement, like the previously executed Project Delivery and Construction Agreement, requires that a participating county agree to comply with all applicable federal, state or local laws, regulations, rules, ordinances, and guidelines applicable to the construction of the project. These laws include the Board's Minimum Standards for Local Detention Facilities (Titles 15 and 24 of the California Code of Regulations). In addition to the Board's regulations, we believe that recently enacted Penal Code section 4032 applies to the county's project. Section 4032, which was added to the Penal Code by Assembly Bill 103 (Chapter 17, Statutes of 2017) and subsequently amended by Senate Bill 112 (Chapter 363, Statutes of 2017) provides:

(a) For purposes of this section, the following definitions shall apply:

(1) "In-person visit" means an on-site visit that may include barriers. In-person visits include interactions in which an inmate has physical contact with a visitor, the inmate is able to see a visitor through a barrier, or the inmate is otherwise in a room with a visitor without physical contact. "In-person visit" does not include an interaction between an inmate and a visitor through the use of an on-site, two-way, audio-video terminal.

(2) "Video visitation" means interaction between an inmate and a member of the public through the means of an audio-visual communication device when the member of the public is located at a local detention facility or at a remote location.

(3) "Local detention facility" has the same meaning as defined in Section 6031.4.

(b) A local detention facility that offered in-person visitation as of January 1, 2017, may not convert to video visitation only.

(c) A local detention facility shall not charge for visitation when visitors are onsite and participating in either in-person or video visitation. For purposes of this subdivision, "onsite" is defined as at the location where the inmate is housed.

(d) If a local detention facility offered video visitation only as of January 1, 2017, on-site video visitation shall be offered free of charge, and the first hour of remote video visitation per week shall be offered free of charge if the facility offers remote video visitation.

(Emphasis added.)

The current working drawings for the Yolo County Adult Local Criminal Justice Facility as well as the current project description provided to the BSCC indicates that existing in-person visitation space at the Yolo County Jail will be replaced by video visitation.¹ Our understanding is that the Yolo County Jail had offered in-person visitation as of January 1, 2017 and, per Penal Code section 4032, may not convert to video visitation only.

Please let us know as soon as possible how Yolo County intends to continue to provide in-person visitation at the Yolo County Jail following the completion of this project.

Sincerely,



LINDA PENNER
Chair

cc: Ms. Kathleen T. Howard, Executive Director, Board of State and Community Corrections
Mr. Aaron Maguire, General Counsel, Board of State and Community Corrections
Mr. John Prince, Deputy Director, Board of State and Community Corrections
Ms. Koreen H. van Ravenhorst, Deputy Director, Department of Finance
Ms. Michelle Weaver, Associate Director, Department of Corrections and Rehabilitation
Ms. Diane Cummins, Special Advisor to the Governor, Department of Finance
Mr. Dan Seeman, Deputy Legislative Secretary, Governor's Office

¹ Please note that the architectural planning for this proposed facility complies with the Board's regulations regarding visiting: Section 1062 of Title 15 of the California Code of Regulations and Section 1231.2.18 of Title 24 of the California Code of Regulations.