

October 12, 2017

Ginger Wolfe
 Board of State and Community Corrections
 2590 Ventura Oaks Way, Suite 200
 Sacramento, CA 95833
 Ginger.Wolfe@bscc.ca.gov
Via email

Dear Ms Wolfe,

Our coalition of family members, formerly incarcerated people, and policy advocates who support in-person visits to keep families connected and promote reentry and public safety submits the following comments on the proposed amendments to 15 CCR § 1062 regarding visitation.

AB 103 (2017) was passed, in part, as a result of legislative disbelief that the BSCC approved county plans to build or renovate jails that would have no space for in-person visitation. (Joint Hearing: Public Safety Committee, Budget and Fiscal Review Committee, Senate Budget Subcommittee 5 on Corrections, Public Safety and the Judiciary, and Assembly Budget Subcommittee 5 on Public Safety, February 21, 2017.) AB 103 added Cal. Gov't Code § 15820.948, "Award of funds for construction or renovation of local jail or criminal justice facility; **accommodation of in-person visitation**" (emphasis added). The intent was to draw a line in the sand, after which no more jails could be built without space for in-person visitation. For this reason, the proposed language of 15 CCR § 1062(f)(2) is an impermissible overreach by the BSCC.

The proposed language for 15 CCR § 1062(f)(2) allows facilities that, on January 1, 2017, had been designed without in-person visitation space and had submitted "initial architectural planning" to the BSCC to continue designing and building jails with no space for in-person visitation. This expansive language violates Cal. Gov't Code § 11342.2; it is inconsistent with AB 103, and is not "reasonably necessary to effectuate the purpose" of AB 103.

Furthermore, 15 CCR § 1062(f)(2) is unclear as to when "initial architectural planning" is considered to have been submitted to the BSCC. In discussions following the veto of SB 1157 in 2016, BSCC counsel Aaron Maguire stated that a county that has merely submitted a letter of intent to apply for jail construction funding, but has not been conditionally awarded funding, is considered to have submitted initial architectural

planning to the BSCC. This interpretation would be in direct contradiction of AB 103, which requires any county that has submitted a proposal to build a jail with no in-person visitation space to "submit a scope change to include in-person visitation prior to the board's approval of the conditional award". A county typically does not contract with an architecture and engineering (A&E) firm until after the State Public Works Board has "established" the project. It is only in the "design" phase that counties contract with A&E firms. Then, the county submits a "preliminary plan" to the State Board of Public Works. It is



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unreasonable to conclude a county has submitted initial architectural planning to the Board before the county has hired an A&E firm.

The language proposed for 15 CCR § 1062(d) also lacks clarity and is inconsistent with AB 103 in violation of Cal. Gov't Code § 11342.2. It states that "Video visitation may be used to supplement existing visitation programs, but shall not be used to fulfill the requirements of this section if in-person visitation is requested by an inmate." This suggests that video visitation could be used to fulfill the requirements of the section if an incarcerated person does not request in-person visitation, but AB 103 does not allow this. Also, the regulations omit language regarding facility requirements for documenting whether or not people are requesting in-person visitation. Beyond the confusion and inconsistency, facilities should not place the burden on incarcerated people to request in-person visits. In-person visits should be the default. A facility should only be allowed to provide less than the minimum amount of in-person visits if they can document that the incarcerated person consented to that that week. Furthermore, the terms "video visit" and "video visitation" are inaccurate; the technology marketed by the same companies that provide phone call access in jails and detention facilities are more accurately described as video calls. Thus, (d) should read "Video call technology may be used to supplement existing visitation programs, but shall not be used to fulfill the requirements of this section."

Thank you for the opportunity to submit our comments. We remain hopeful the BSCC will take the necessary steps to ensure that 15 CCR § 1062 is clear and helps counties provide in-person visitation in furtherance of AB 103.

Signed:

Lynn Wu, Staff Attorney
Prison Law Office

Lizzie Buchen, Legislative Advocate
ACLU of California, Center for Advocacy & Policy

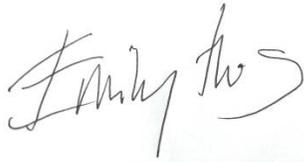
JIM LINDBURG
Legislative Director
Friends Committee on Legislation of California

Endria Richardson, Policy Director
Legal Service for Prisoners with Children

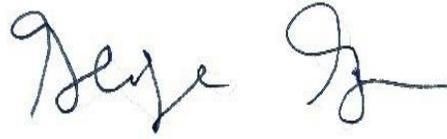
Zoe Willmott, Manager of Advocacy
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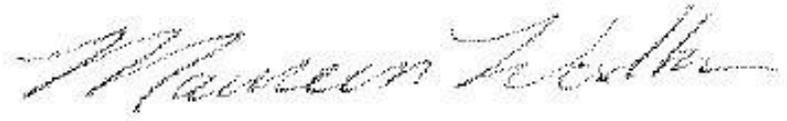
Kim McGill, Organizer
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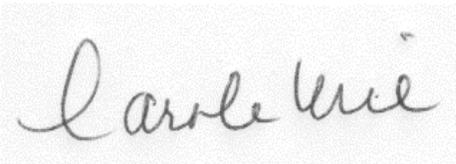
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cc: Senator Nancy Skinner
Senator Holly Mitchell
Assemblyperson Weber
Governor Brown



Returning Home Foundation

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Via email: Ginger.Wolfe@bscc.ca.gov

October 13, 2017

Ginger Wolfe
Board of State and Community Corrections
2590 Ventura Oaks Way, Suite 200
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**RE: Modifications to Text of Minimum Standards Title 15, Division 1,
Chapter 1, Subchapter 4**

Dear Ms Wolfe:

I believe two regulations under title 15, Section 1062 - Visiting are contrary to the intent of AB103 which addressed conditional funding for construction or renovation of a local jail facility and requirement for in-person visitation and should be modified. Section 40, 4032 was added to the Penal code to read: (b) A local detention facility that offered in-person visitation as of January 1, 2017 may not convert to video visitation only.

Regulation (d) therefore should be modified to read:

(d) Video visitation may be used to supplement existing in-person visitation programs. Video visitation shall not be used to fulfill the requirements of this section unless requested by an inmate."

Regulation (f) therefore should be modified to read as follows:

(f)(1) Subdivision (d) shall not apply to facilities which, prior to January 1, 2017 exclusively used video visitation (2) Facilities which prior to January 1, 2017 provided in-person visitation shall not convert to video visitation only even if plans without in-person space have been approved, submitted to the board and/or construction is in progress.

Respectfully submitted,

Carole Urie
Executive Director

cc: Senator Nancy Skinner
Senator Holly Mitchell
Assemblyperson Weber
Governor Brown.

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California State Senate

SENATOR
NANCY SKINNER
MAJORITY WHIP
NINTH SENATORIAL DISTRICT



Attachment D-2
PUBLIC SAFETY
BUDGET & FISCAL REVIEW
SUBCOMMITTEE 5:
PUBLIC SAFETY & LABOR

COMMITTEES
ENERGY, UTILITIES &
COMMUNICATIONS
ENVIRONMENTAL QUALITY
TRANSPORTATION & HOUSING

October 14, 2017

Ginger Wolfe
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Via email

Dear Ms. Wolfe,

I am writing to submit my comments on the proposed amendments to the Board of State and Community Corrections' (BSCC) county jail visitation policy.

The BSCC's actions relating to county jail visitation over this past year and as reflected in the current proposed amendments are in conflict with the policy direction of the legislature as expressed with the passage of Senate Bill 1157 (Mitchell, 2016) and Assembly Bill 103, (Public Safety Budget Trailer Bill, 2017).

In February 2017, as Chair of the California Senate's Committee on Public Safety and Chair of the Senate's Budget Subcommittee #5 on Corrections, Public Safety and the Judiciary, I convened an oversight hearing on county jail visitation practices throughout the state. The hearing was prompted, in part, by the Governor's direction for the BSCC to develop statewide regulations for county jail visitation. Alongside his directive to develop regulations for county jail visitation, the Governor also wrote the following in his veto message for SB 1157:

"I am concerned about the recent trend of making jail facilities unavailable for in-person visits. This practice could have an adverse impact on achieving rehabilitative goals and might affect in a negative way the families and loved ones of those incarcerated."

Subsequently, in 2017, the legislature passed AB 103 which limited fees for the use of video visitation technology and restricted the use of new state funding to build or renovate jails without in-person visitation.

Conversely, the BSCC's newly proposed amendments would allow certain jail projects to move forward utilizing state dollars, to construct or renovate facilities with no in-person visitation space. These amendments do not reflect the Legislatures intent and are in direct conflict with the provisions of AB 103.

In-person contact between offenders and their loved ones has been proven to have positive impacts on the reentry process and recidivism rates. A Minnesota Department of Corrections study found that a single in-person visit can reduce recidivism by 13% for new crimes and 25% for technical violations.

I request that the proposed amendments be corrected to reflect the intentions of SB 1157, the Governor's directive and AB 103.

Sincerely,


Nancy Skinner