

Date of Hearing: June 22, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 1137 (Atkins) – As Amended March 8, 2022

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill expands the Board of State and Community Correction's (BSCC) mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities.

**FISCAL EFFECT:**

No costs to the BSCC since this bill only expands the BSCC's mission to include the promotion of legal and safe conditions for youth, inmates and staff which is consistent with their current mission.

**COMMENTS:**

1) **Purpose.** According to the author:

Detention facilities often engage in high stakes activities—including delivery of health care and use of force—that can have life and death consequences for those incarcerated as well as staff. Accordingly, proper facility policies and operations are critical to ensuring safety and humane treatment, protecting the rights of those incarcerated, and minimizing exposure to legal liability.

2) **Legislative Analyst Office (LAO) Report.** Local governments are responsible for operating local detention facilities, including jails, which incarcerate people at various stages of the criminal justice process. In total, there are about 550 local detention facilities in California. Existing law requires the BSCC to: (a) maintain minimum standards for the construction and operation of these facilities, (b) inspect each facility every two years for compliance with the standards, and (c) issue certain public reports on the inspection results. The LAO issued a report in February 2021, entitled "A Review of State Standards and Inspections of Local Detention Facilities" that issued multiple recommendations to improve BSCC oversight of county jails. The LAO stated:

In our review of the local detention facility standards and inspection program, we find it difficult to assess the program's effectiveness primarily because state law does not specify the mission or goals BSCC should pursue as it implements the program. This leaves significant discretion to BSCC and the administration in determining how to operate the program and

undermines the Legislature's ability to assess whether the program is operating effectively and is consistent with Legislative priorities. We recommend that the Legislature establish in statute that the mission of the program is to promote legal, humane, and safe conditions for youth, inmates, and staff in local detention facilities.

This bill partially adopts the first recommendation of the LAO report by expanding the BSCC's mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities.

- 3) **Related Legislation.** AB 2632 (Holden), requires specified correctional facilities in the state to follow specified procedures related to segregated confinement and requires BSCC to assess each local correctional facility, including private detention facilities, for compliance with procedures relating to segregated confinement. AB 2632 is pending in the Senate Committee on Public Safety.

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