
CONSENT

Bill No: SB 1137
Author: Atkins (D)
Amended: 3/8/22
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 4/19/22
AYES: Bradford, Ochoa Bogh, Kamlager, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Board of State and Community Corrections

SOURCE: Author

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

ANALYSIS:

Existing law:

- 1) Establishes the Board of State and Community Corrections (BSCC). (Pen. Code, § 6024, subd. (a).)
- 2) Provides that the mission of the BSCC is to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. Provides that this mission reflect the principle of aligning fiscal policy and correctional practices, including, but not limited to prevention, intervention, suppression, supervision, and incapacitation, to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety

through cost-effective, promising, and evidence-based strategies for managing criminal justice populations. (Pen. Code, § 6024, subd. (b).)

- 3) Requires the BSCC to regularly seek advice from a balanced range of stakeholders and subject matter experts on issues pertaining to adult corrections, juvenile justice, and gang problems relevant to its mission. Requires the BSCC to seek to ensure that its efforts are systematically informed by experts and stakeholders with the most specific knowledge concerning the subject matter, include the participation of those who must implement a board decision and are impacted by a board decision, and promote collaboration and innovative problem solving consistent with the mission of the board. Authorizes the BSCC to create special committees, with the authority to establish working subgroups as necessary, in furtherance of this subdivision to carry out specified tasks and to submit its findings and recommendations from that effort to the board. (Pen. Code, § 6024, subd. (c).)

This bill expands the BSCC's mission to include promoting legal and safe conditions for youth, inmates, and staff in local detention facilities.

Background

Local Detention Facilities. Local governments in the state are responsible for detaining both youth and adults who have been arrested for a crime and are awaiting trial or other court decisions or who are serving a sentence following conviction of a crime. Some city police departments also operate detention facilities which they use to hold people following an arrest on a short-term basis. According to a recent report published by the Legislative Analyst's Office (LAO), there are about 550 local detention facilities in the state. (LAO, *A Review of State Standards and Inspections for Local Detention Facilities* (February 2021), p. 3 <<https://lao.ca.gov/reports/2021/4371/Standards-Inspections-Local-Detention-Facilities-021621.pdf> .)

Generally, county detention facilities are operated by elected sheriffs, and city detention facilities are operated by appointed chiefs of police. County juvenile justice systems are operated by county probation departments headed by chief probation officers. Local detention facilities typically maintain internal policies and procedural manuals related to facility operations.

BSCC. The BSCC was established in 2012 and is responsible for providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile justice systems. The BSCC has four primary responsibilities: setting standards for and inspecting local detention facilities; setting standards for the selection and training of local correctional staff; administering various grant programs related to recidivism and reduction strategies; and administering the state’s construction financing program for local detention facilities. The 2021-2022 budget provides the BSCC with \$617 million (\$349 million General Fund) to carry out those responsibilities. (<<https://www.ebudget.ca.gov/budget/publication/#/e/2021-22/ExpendituresPositions/5227>)

Current law requires the BSCC to maintain minimum standards for the construction and operation of local detention facilities, inspect each local detention facility biennially to assess compliance with BSCC standards, and prepare, distribute, and publish inspection reports. Notably, although the BSCC is required to inspect local detention facilities to determine compliance with the standards and to report noncompliance, the BSCC is not authorized under state law to enforce the standards (e.g., by fining a local detention facility).

The BSCC’s standards and inspection program is one of the primary ways that the state exercises oversight of local detention facilities. Growing concerns over conditions inside of the state’s local detention facilities, including isolation of mentally ill inmates, violence, suicide, use of force, and lack of transparency have led to the introduction of a number of bills in recent years aimed at increasing transparency and accountability as they relate to county jails. In early 2020, Governor Newsom directed the BSCC to strengthen the state’s oversight of county jails, and the BSCC has since developed an enhanced jail inspection process which began in 2021. (<<https://www.bscc.ca.gov/wp-content/uploads/Info-Item-6-Targeted-Inspections-FINAL.pdf>)

LAO Report. A recent LAO report concluded that it was difficult to assess the BSCC’s standards and inspection program “primarily because the program lacks a clearly defined mission and goals from which to measure specific program outcomes.” (LAO, *A Review of State Standards and Inspections for Local Detention Facilities* (February 2021), p. 8 <<https://lao.ca.gov/reports/2021/4371/Standards-Inspections-Local-Detention-Facilities-021621.pdf> .) The report indicated that due to the lack of specificity in state law regarding the BSCC’s mission or goals, “it is unclear whether the intended mission of the program is to assist local government in determining legal requirements for facility

conditions, create statewide uniformity in facility operations, ensure humane and safe conditions, or something else” and that “[t]he absence of a defined program mission and goals in statute leaves significant discretion to BSCC and the administration in determining how to operate the program.” (*Ibid.*) The report further stated that the lack of a clear mission and goals undermines Legislative oversight due to the difficulty in assessing “whether the program fulfills an important state function that is consistent with its priorities”...or “whether the program is operating effectively and achieving its goals.” (*Ibid.*) The report recommended the Legislature take the following actions:

- Establish clear program mission and goals by establishing in statute that the mission of the standards and inspection program is to promote legal, humane, and safe conditions for youth, inmates, and staff in local detention facilities.
- Establish the following goals: maintain standards that help local leaders determine and meet legal requirements; facilitate transparency and accountability through standards and inspections; promote equitable provision of legal, humane, and safe conditions; and provide technical assistance and statewide leadership to facilitate systemic improvement in detention conditions.
- Balance board membership to facilitate oversight by adding board members with professional expertise in advocacy for and oversight of detention conditions.
- Require plan to align with program mission and goals by directing the BSCC to develop a detailed plan with specified elements. (*Id.* at pp. 1, 9-13.)

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 5/9/22)

None received

OPPOSITION: (Verified 5/9/22)

None received

Prepared by: Stephanie Jordan / PUB. S. /
5/11/22 15:08:35

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