

SENATE THIRD READING

SB 1137 (Atkins)

As Amended March 8, 2022

Majority vote

SUMMARY

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.

Major Provisions**COMMENTS****According to the Author**

"Local governments are responsible for operating certain detention facilities (such as jails) to incarcerate people in various stages of the criminal justice system. Accordingly, these 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. (Legislative Analyst Office (LAO), "A Review of State Standards and Inspections for Local Detention Facilities." 2021.)

"County detention facilities are generally operated by elected sheriffs. However, the conditions of many local detention facilities have come under scrutiny. In February 2022, the State Auditor released an audit involving the San Diego County Sheriff's department. In the report, the Auditor found the following:

In accordance with federal constitutional law, the San Diego County Sheriff's Department (Sheriff's Department) has a responsibility to provide adequate medical care for individuals while they are in its custody. Nonetheless, from 2006 through 2020, a total of 185 people died in San Diego County's jails more than in nearly any other county across the State.

Some of these individuals were in custody for only a few days to a few months; others were waiting to be sentenced, set to be released, or about to be transferred to different facilities. Although any death is a tragedy, the high rate of deaths in San Diego County's jails compared to other counties raises concerns and suggests that underlying systemic issues with the Sheriff's Department's policies and practices have undermined its ability to ensure the health and safety of the individuals in its custody. Significant deficiencies in the Sheriff's Department's provision of care to incarcerated individuals likely contributed to the deaths in its jails.

"Although state law provides the county board of supervisors authority to approve the Sheriff Department's budget, local governments have limited authority over the Sheriff's Department.

Indeed, it has been noted that boards of supervisors must make decisions relating to liability exposure but are limited in defining proper facility policies and operations.

"Generally, the California Board of State and Community Corrections (BSCC) is responsible for establishing standards for the operation of local detention facilities, including establishing the minimum standards for jail conditions and the treatment of incarcerated individuals. The BSCC is also responsible for inspecting each local detention facility every two years to assess compliance with adopted state standards. Although this oversight is important, a recent report by the LAO questioned the effectiveness of this oversight, particularly because the BSCC "lacks a clearly defined mission and goals from which to measure specific program outcomes."

"BSCC has significant discretion in determining how to operate its program, particularly as it relates to conditions relating to inmates in detention facilities. Additional focus on its mission could help steer local detention facilities in making better decisions relating to their constitutional responsibility in providing legal and safe conditions.

"Consistent with the LAO's recommendations, SB 1137 expands the mission of the Board of State and Community Corrections to also promote legal and safe conditions for youth, inmates, and staff in local detention facilities."

Arguments in Support

None submitted

Arguments in Opposition

None submitted

FISCAL COMMENTS

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.

VOTES

SENATE FLOOR: 35-0-5

YES: Allen, Atkins, Becker, Borgeas, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Archuleta, Bates, Dahle, Grove, Min

ASM PUBLIC SAFETY: 7-0-0

YES: Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

ASM APPROPRIATIONS: 13-0-3

YES: Holden, Bigelow, Bryan, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Quirk, Robert Rivas, Akilah Weber, Wilson

ABS, ABST OR NV: Calderon, Eduardo Garcia, Levine

UPDATED

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