

File No. 160560

Committee Item No. _____

Board Item No. 34

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: May 24, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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OTHER

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California State Senate Bill 1157 - April 6, 2016</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Brent Jalipa
Prepared by: _____

Date: May 19, 2016
Date: _____

1 [Supporting California State Senate Bill 1157 (Mitchell) - Strengthening Family Connections]

2
3 **Resolution supporting California State Senate Bill 1157, authored by Senator Mitchell,**
4 **to strengthen family connections in order to ensure families have access to in-person**
5 **visits with loved ones incarcerated in county jails.**

6
7 WHEREAS, The parent-child relationship is a crucial social bond; and

8 WHEREAS, Legislation introduced by state Senator Holly Mitchell would preserve
9 meaningful visitation rights for people in local correctional facilities, juvenile halls, juvenile
10 homes, ranches, and camps, as well as private detention facilities contracting with counties by
11 clarifying that their right to a minimum amount of visitation refers to in-person visits, which
12 cannot be replaced with video visits; and

13 WHEREAS, California State Senate Bill 1157 (SB1157) will help strengthen family
14 connections by ensuring access to in-person visits between incarcerated and detained
15 persons and their loved ones; and

16 WHEREAS, Providing access to visitation improves public safety, reduces recidivism,
17 and reduces negative impacts on loved ones, especially children whose loved ones are
18 incarcerated or detained; and

19 WHEREAS, A 2015 Prison Policy Initiative report showed that 74% of county jails
20 across the country that implemented video visitation ended up eliminating in-person visitation;
21 and

22 WHEREAS, At least five California counties (Kings, Napa, San Bernardino, San Diego,
23 and Solano) have eliminated in-person visitation in at least one of their jails, meaning families
24 are only able to visit their loved ones through a computer screen, and two counties (Imperial
25 and Placer) have severely restricted in-person visitation since adopting video visitation, and

1 three counties (Orange, San Mateo, and Tulare) plan to do the same as a part of jail
2 expansion or construction plans; and

3 WHEREAS, It is extremely costly to use video visitation services remotely from one's
4 home computer, about \$1/min on average, and many low-income families do not have access
5 to computers or the internet; and

6 WHEREAS, According to a 2015 report by the Ella Baker Center for Human Rights,
7 34% of families with incarcerated family members nationwide went into debt to pay for phone
8 and visitation costs; and

9 WHEREAS, Throughout the state, there are people are being detained at the county
10 level for longer periods of time, up to five years, due to realignment following the passage of
11 California State Assembly Bill 109; and

12 WHEREAS, According to the Bureau of Justice, 53% all U.S. prisoners in 2007 were
13 parents of one or more children under the age of 18; and

14 WHEREAS, According to the Department of Children, Youth, and their Families' 2011
15 Community Needs Assessment, an estimated 16,196 San Francisco children had a parent in
16 custody for some period of time in 2010 at San Francisco County Jails; and

17 WHEREAS, According to Project WHAT's 2016 report, "We're Here and Talking," 61%
18 of San Francisco's children of incarcerated parents want more contact with their parents; and

19 WHEREAS, According to the Center for Youth Wellness, incarceration is one of the
20 most adverse of childhood experiences; and

21 WHEREAS, Visitation is a mediating factor in the adverse effect of parental
22 incarceration; and

23 WHEREAS, San Francisco has already taken a lead on this issue by maintaining in-
24 person visitation at each county jail in the county in order to preserve family connections; and

25 WHEREAS, SB 1157 will ensure this model is followed statewide; and

1 WHEREAS, SB 1157 is sponsored by Project WHAT, the Women's Foundation of
2 California Women's Policy Institute, Friends Committee on Legislation in California, Legal
3 Services for Prisoners with Children, the Ella Baker Center for Human Rights, the Prison Law
4 Office, and CIVIC; and

5 WHEREAS, SB 1157 has gained unanimous support from the San Francisco Youth
6 Commission, the Reentry Council, and the State Legislation Committee; now, therefore, be it

7 RESOLVED, That the San Francisco Board of Supervisors supports the strengthening
8 of family connections and the passage of SB 1157 (Mitchell); and, be it

9 FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk
10 of the Board to transmit copies of this resolution to the author and co-authors, Senator
11 Mitchell, Senator Hancock, and Assembly Member Weber.

AMENDED IN SENATE APRIL 6, 2016

SENATE BILL

No. 1157

Introduced by Senator Mitchell
(Coauthor: Senator Hancock)
(Coauthor: Assembly Member Weber)

February 18, 2016

An act to ~~amend Sections 4025 and 6030 of~~ *add Section 4032* to the Penal Code, and to ~~amend add Sections 210 and 885 of 210.05 and 885.5~~ *to the Welfare and Institutions Code, relating to inmates:* *incarcerated persons.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, as amended, Mitchell. ~~Inmates:~~ *Incarcerated persons:* visitation.

Existing law provides that a county jail is kept by the sheriff of the county in which the jail is situated and is to be used for specified purposes, including for the confinement of persons sentenced to imprisonment in the county jail upon a criminal conviction. Among other things, existing law requires each county jail to contain a sufficient number of rooms to allow certain persons belonging to specified classes to be confined separately and distinctly from persons belonging to other specified classes. Existing law requires every county to provide and maintain a juvenile hall for purposes of providing a suitable house or place for the detention of wards and dependent children of the juvenile court and persons alleged to come within the jurisdiction of the juvenile court. Existing law authorizes a county to, by ordinance, establish juvenile ranches, camps, or forestry camps, within or without the county, to which certain persons made wards of the court may be committed.

This bill would prohibit a local correctional facility, as defined, a juvenile hall for the confinement of minors, and a juvenile ranch, camp, or forestry camp from utilizing video or other types of electronic visitation to replace in-person visitation. The bill would require specified numbers and lengths of in-person visits for incarcerated persons in certain local correctional facilities and for incarcerated minors and minors at the juvenile facilities described above. The bill would also define, among other things, “in-person visit” and “in-person visitation” for these purposes. By increasing the duties of local officials relative to in-person visitations for incarcerated persons in local correctional facilities, the bill would impose a state-mandated local program.

On and after January 1, 2017, the bill would prohibit a city, county, city and county, or other local entity from entering into, renewing, extending, or amending a contract with a private prison corporation that does not provide persons to be incarcerated or detained at the private prison corporation’s facility, at a minimum, specified amounts of in-person visitation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law requires any money, refund, rebate, or commission received from a telephone company or pay telephone provider when the money, refund, rebate, or commission is attributable to the use of pay telephones that are primarily used by inmates while incarcerated to be placed in the inmate welfare fund in a county treasury, to be expended for the benefit, education, and welfare of the inmates confined within the jail.~~

~~This bill would also require money, refunds, rebates, and commissions from communication companies that are attributable to the use of video visitation equipment primarily used by inmates while incarcerated to be deposited in the inmate welfare fund.~~

~~(2) Existing law requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities, juvenile ranches, camps, forestry camps, and juvenile halls.~~

~~This bill would require the minimum standards to include requirements that prohibit video or other types of electronic visitation from replacing in-person visits. The bill would also require the board to review the minimum standards for juvenile ranches, camps, forestry camps, and juvenile halls biennially and to make appropriate revisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that
2 opportunities for in-person visitation in local correctional facilities,
3 juvenile halls, juvenile homes, ranches, and camps are essential
4 for persons who are incarcerated and detained to maintain family
5 stability, reduce disciplinary infractions and violence while
6 incarcerated, reduce recidivism, increase the chances of obtaining
7 employment postrelease, and facilitate successful reentry. Other
8 types of visitation shall only be used to supplement in-person
9 visitation to further promote the above-mentioned goals. This act
10 does not interfere with the ability of the Board of State and
11 Community Corrections to issue regulations with regards to
12 visitation. It is the intent of the Legislature to strengthen family
13 connections by facilitating in-person visitation.

14 ~~SEC. 2. Section 4025 of the Penal Code is amended to read:~~
15 ~~4025. (a) The sheriff of each county may establish, maintain,~~
16 ~~and operate a store in connection with the county jail and for this~~
17 ~~purpose may purchase confectionery, tobacco and tobacco users'~~
18 ~~supplies, postage and writing materials, and toilet articles and~~
19 ~~supplies and sell these goods, articles, and supplies for cash to~~
20 ~~inmates in the jail.~~

21 ~~(b) The sale prices of the articles offered for sale at the store~~
22 ~~shall be fixed by the sheriff. Any profit shall be deposited in an~~
23 ~~inmate welfare fund to be kept in the treasury of the county.~~

24 ~~(c) There shall also be deposited in the inmate welfare fund 10~~
25 ~~percent of all gross sales of inmate hobbycraft.~~

26 ~~(d) There shall be deposited in the inmate welfare fund any~~
27 ~~money, refund, rebate, or commission received from a~~
28 ~~communications company or communications provider when the~~
29 ~~money, refund, rebate, or commission is attributable to the use of~~

1 pay telephones or video visitation equipment primarily used by
2 inmates while incarcerated.

3 ~~(e) The money and property deposited in the inmate welfare
4 fund shall be expended by the sheriff primarily for the benefit,
5 education, and welfare of the inmates confined within the jail. Any
6 funds that are not needed for the welfare of the inmates may be
7 expended for the maintenance of county jail facilities. Maintenance
8 of county jail facilities may include, but is not limited to, the salary
9 and benefits of personnel used in the programs to benefit the
10 inmates, including, but not limited to, education, drug and alcohol
11 treatment, welfare, library, accounting, and other programs deemed
12 appropriate by the sheriff. Inmate welfare funds shall not be used
13 to pay required county expenses of confining inmates in a local
14 detention system, such as meals, clothing, housing, or medical
15 services or expenses, except that inmate welfare funds may be
16 used to augment those required county expenses as determined by
17 the sheriff to be in the best interests of inmates. An itemized report
18 of these expenditures shall be submitted annually to the board of
19 supervisors.~~

20 ~~(f) The operation of a store within any other county adult
21 detention facility which is not under the jurisdiction of the sheriff
22 shall be governed by the provisions of this section, except that the
23 board of supervisors shall designate the proper county official to
24 exercise the duties otherwise allocated in this section to the sheriff.~~

25 ~~(g) The operation of a store within any city adult detention
26 facility shall be governed by the provisions of this section, except
27 that city officials shall assume the respective duties otherwise
28 outlined in this section for county officials.~~

29 ~~(h) The treasurer may, pursuant to Article 1 (commencing with
30 Section 53600); or Article 2 (commencing with Section 53630) of
31 Chapter 4 of Part 1 of Division 2 of Title 5 of the Government
32 Code, deposit, invest, or reinvest any part of the inmate welfare
33 fund, in excess of that which the treasurer deems necessary for
34 immediate use. The interest or increment accruing on these funds
35 shall be deposited in the inmate welfare fund.~~

36 ~~(i) The sheriff may expend money from the inmate welfare fund
37 to provide indigent inmates, prior to release from the county jail
38 or any other adult detention facility under the jurisdiction of the
39 sheriff, with essential clothing and transportation expenses within
40 the county or, at the discretion of the sheriff, transportation to the~~

1 inmate's county of residence, if the county is within the state or
2 within 500 miles from the county of incarceration. This subdivision
3 does not authorize expenditure of money from the inmate welfare
4 fund for the transfer of any inmate to the custody of any other law
5 enforcement official or jurisdiction.

6 SEC. 3. Section 6030 of the Penal Code is amended to read:

7 6030. (a) The Board of State and Community Corrections shall
8 establish minimum standards for local correctional facilities. The
9 board shall review those standards biennially and make any
10 appropriate revisions.

11 (b) The standards shall include, but not be limited to, the
12 following areas: health and sanitary conditions, fire and life safety,
13 security, rehabilitation programs, recreation, treatment of persons
14 confined in local correctional facilities, and personnel training.

15 (c) The standards shall require that at least one person on duty
16 at the facility is knowledgeable in the area of fire and life safety
17 procedures.

18 (d) The standards shall also include requirements relating to the
19 acquisition, storage, labeling, packaging, and dispensing of drugs.

20 (e) The standards shall require that inmates who are received
21 by the facility while they are pregnant be notified, orally or in
22 writing, of and provided all of the following:

23 (1) A balanced, nutritious diet approved by a doctor.

24 (2) Prenatal and post partum information and health care,
25 including, but not limited to, access to necessary vitamins as
26 recommended by a doctor.

27 (3) Information pertaining to childbirth education and infant
28 care.

29 (4) A dental cleaning while in a state facility.

30 (f) The standards shall provide that a woman known to be
31 pregnant or in recovery after delivery shall not be restrained, except
32 as provided in Section 3407. The board shall develop standards
33 regarding the restraint of pregnant women at the next biennial
34 review of the standards after the enactment of the act amending
35 this subdivision and shall review the individual facility's
36 compliance with the standards.

37 (g) The standards shall also include requirements related to
38 visitation that prohibit video or other types of electronic visitation
39 from replacing in-person visits.

1 ~~(h) In establishing minimum standards, the board shall seek the~~
2 ~~advice of the following:~~

3 ~~(1) For health and sanitary conditions:~~

4 ~~The State Department of Public Health, physicians, psychiatrists,~~
5 ~~local public health officials, and other interested persons.~~

6 ~~(2) For fire and life safety:~~

7 ~~The State Fire Marshal, local fire officials, and other interested~~
8 ~~persons.~~

9 ~~(3) For security, rehabilitation programs, recreation, and~~
10 ~~treatment of persons confined in correctional facilities:~~

11 ~~The Department of Corrections and Rehabilitation, state and~~
12 ~~local juvenile justice commissions, state and local correctional~~
13 ~~officials, experts in criminology and penology, and other interested~~
14 ~~persons.~~

15 ~~(4) For personnel training:~~

16 ~~The Commission on Peace Officer Standards and Training,~~
17 ~~psychiatrists, experts in criminology and penology, the Department~~
18 ~~of Corrections and Rehabilitation, state and local correctional~~
19 ~~officials, and other interested persons.~~

20 ~~(5) For female inmates and pregnant inmates in local adult and~~
21 ~~juvenile facilities:~~

22 ~~The California State Sheriffs' Association and Chief Probation~~
23 ~~Officers' of California, and other interested persons.~~

24 ~~(6) For visitation:~~

25 ~~The California State Sheriffs' Association, organizations working~~
26 ~~directly with people who are incarcerated, organizations working~~
27 ~~directly with, or that are operated by, family members of people~~
28 ~~who are incarcerated, and other interested persons.~~

29 ~~SEC. 4. Section 210 of the Welfare and Institutions Code is~~
30 ~~amended to read:~~

31 ~~210. (a) The Board of State and Community Corrections shall~~
32 ~~adopt minimum standards for the operation and maintenance of~~
33 ~~juvenile halls for the confinement of minors. The board shall~~
34 ~~review those standards biennially and make appropriate revisions.~~

35 ~~(b) The standards adopted pursuant to subdivision (a) shall~~
36 ~~include requirements that prohibit video or other types of electronic~~
37 ~~visitation from replacing in-person visits.~~

38 ~~SEC. 5. Section 885 of the Welfare and Institutions Code is~~
39 ~~amended to read:~~

1 ~~885. (a) The Board of State and Community Corrections shall~~
 2 ~~adopt and prescribe the minimum standards of construction,~~
 3 ~~operation, programs of education and training, and qualifications~~
 4 ~~of personnel for juvenile ranches, camps, or forestry camps~~
 5 ~~established under Section 881. The board shall review those~~
 6 ~~standards biennially and make appropriate revisions.~~

7 ~~(b) The standards adopted pursuant to subdivision (a) shall also~~
 8 ~~include requirements that prohibit video or other types of electronic~~
 9 ~~visitation from replacing in-person visits.~~

10 ~~(c) The board shall conduct a biennial inspection of each juvenile~~
 11 ~~ranch, camp, or forestry camp situated in this state that, during the~~
 12 ~~preceding calendar year, was used for confinement of any minor~~
 13 ~~for more than 24 hours.~~

14 ~~(d) The custodian of each juvenile ranch, camp, or forestry camp~~
 15 ~~shall make any reports that may be required by the board to~~
 16 ~~effectuate the purposes of this section.~~

17 ~~SEC. 2. Section 4032 is added to the Penal Code, to read:~~

18 ~~4032. (a) A local detention facility shall not utilize video or~~
 19 ~~other types of electronic visitation to replace in-person visitation.~~

20 ~~(b) A local detention facility shall also comply with both of the~~
 21 ~~following:~~

22 ~~(1) Sentenced incarcerated persons in a Type I facility and all~~
 23 ~~incarcerated persons in a Type II facility shall be allowed no fewer~~
 24 ~~than two in-person visits totaling at least one hour per incarcerated~~
 25 ~~person each week.~~

26 ~~(2) Incarcerated persons in a Type III facility or a Type IV~~
 27 ~~facility shall be allowed no fewer than one in-person visit totaling~~
 28 ~~at least one hour per incarcerated person each week.~~

29 ~~(c) For purposes of this section, all of the following definitions~~
 30 ~~apply:~~

31 ~~(1) "In-person visit" or "in-person visitation" means a visit or~~
 32 ~~visitation during which an incarcerated person has contact with~~
 33 ~~a visitor, is able to see a visitor through glass, or is otherwise in~~
 34 ~~an open room without contact with a visitor.~~

35 ~~(2) "Local detention facility" has the same meaning as defined~~
 36 ~~in Section 6031.4.~~

37 ~~(3) "Type I facility" means a local detention facility used for~~
 38 ~~the detention of persons for not more than 96 hours, excluding~~
 39 ~~holidays, after booking. "Type I facility" also includes a local~~
 40 ~~detention facility that detains a person on court order for his or~~

1 her own safekeeping or a person sentenced to a city jail as an
2 incarcerated person worker, or that houses incarcerated person
3 workers sentenced to the county jail, provided the placement in
4 the facility is made on a voluntary basis on the part of the
5 incarcerated person. As used in this paragraph, “incarcerated
6 person worker” means a person assigned to perform designated
7 tasks outside of his or her cell or dormitory, pursuant to the written
8 policy of the facility, for a minimum of four hours each day on a
9 five-day scheduled work week.

10 (4) “Type II facility” means a local detention facility used for
11 the detention of persons pending arraignment, during trial, and
12 upon a sentence of commitment.

13 (5) “Type III facility” means a local detention facility used only
14 for the detention of convicted and sentenced persons.

15 (6) “Type IV facility” means a local detention facility or portion
16 of the facility designated for the housing of incarcerated persons
17 eligible pursuant to Section 1208 for work furlough, education
18 furlough, or other programs involving incarcerated person access
19 into the community.

20 (d) On and after January 1, 2017, a city, county, city and county,
21 or other local entity shall not enter into, renew, extend, or amend
22 a contract with a private prison corporation that does not provide
23 persons to be incarcerated or detained at the private prison
24 corporation’s facility, at a minimum, the same amount of in-person
25 visitation required by paragraph (1) of subdivision (b) for a Type
26 II facility.

27 SEC. 3. Section 210.05 is added to the Welfare and Institutions
28 Code, to read:

29 210.05. (a) A juvenile hall for the confinement of minors shall
30 not utilize video or other types of electronic visitation to replace
31 in-person visitation.

32 (b) A juvenile hall for the confinement of minors shall also
33 comply with all of the following with respect to in-person visitation:

34 (1) Incarcerated minors shall be allowed to receive in-person
35 visits by parents, guardians, or persons standing in loco parentis,
36 at reasonable times, subject only to the limitations necessary to
37 maintain order and security.

38 (2) Opportunity for in-person visitation shall be a minimum of
39 two hours per week.

1 (3) *In-person visits may be supervised, but conversations shall*
2 *not be monitored unless there is a security or safety need.*

3 (c) *For purposes of this section, "in-person visit" or "in-person*
4 *visitation" means a visit or visitation during which an incarcerated*
5 *minor has contact with a visitor, is able to see a visitor through*
6 *glass, or is otherwise in an open room without contact with a*
7 *visitor.*

8 *SEC. 4. Section 885.5 is added to the Welfare and Institutions*
9 *Code, to read:*

10 885.5. (a) *A juvenile ranch, camp, or forestry camp established*
11 *under Section 881 shall not utilize video or other types of electronic*
12 *visitation to replace in-person visitation.*

13 (b) *A juvenile ranch, camp, or forestry camp established under*
14 *Section 881 shall also comply with all of the following with respect*
15 *to in-person visitation:*

16 (1) *Minors shall be allowed to receive in-person visits by*
17 *parents, guardians, or persons standing in loco parentis, at*
18 *reasonable times, subject only to the limitations necessary to*
19 *maintain order and security.*

20 (2) *Opportunity for in-person visitation shall be a minimum of*
21 *two hours per week.*

22 (3) *In-person visits may be supervised, but conversations shall*
23 *not be monitored unless there is a security or safety need.*

24 (c) *For purposes of this section, "in-person visit" or "in-person*
25 *visitation" means a visit or visitation during which a minor has*
26 *contact with a visitor, is able to see a visitor through glass, or is*
27 *otherwise in an open room without contact with a visitor.*

28 *SEC. 5. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*

O

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Breed

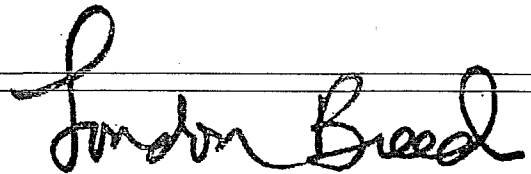
Subject:

Supporting California State Senate Bill 1157 (Mitchell) - Strengthening Family Connections

The text is listed below or attached:

Resolution supporting California State Senate Bill 1157, authored by Senator Mitchell, to strengthen family connections in order to ensure families have access to in-person visits with loved ones incarcerated in county jails.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: