

INITIAL STATEMENT OF REASONS

BOARD OF STATE AND COMMUNITY CORRECTIONS MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 4

§ 1006. Definitions.

This section defines terms used throughout these regulations. To provide clarity and consistency, two new definitions have been proposed. There are no anticipated operational or fiscal impacts due to these changes.

The term “In-person visit” is proposed to describe the method of visitation that occurs on-site, within a facility, without the use of an audio/video terminal as referenced in Title 15, Section 1062, of the California Code of Regulations. (Video Visitation) This term is necessary to address the different methods of visitation that are currently available in California’s local detention facilities. No previous definition exists to differentiate between visitation methods.

The term “Video visitation” is proposed to describe the method of visitation that may occur on-site or at an off-site remote location and an audio-visual communication device is used for an inmate to communicate with a member of the public, as referenced in Title 15, Section 1062, of the California Code of Regulations. This term is necessary to address the different methods of visitation that are currently available in California’s local detention facilities. No previous definition exists to differentiate between visitation methods.

§ 1062. Visiting.

This section outlines requirements for local detention facilities for visiting. Section 1062(a) was amended to include the term “in-person” when describing the specific type of visitation that shall be provided for inmates. Section 1062(d), (e), and (f) were added to clarify access to in-person visitation and require that facilities may not charge for video visitation when it is provided onsite. Section (f) allows facilities that were providing exclusive video visitation prior to February 16, 2017 or were designed without in-person visitation and have submitted initial architectural planning to the Board. Based on the direction from Governor Brown on Senate Bill 1157(vetoed), public and stakeholder input, and Board discussion, the Board determined that while useful and important as a supplement to in-person visitation, video visitation shall not be used as a sole means of fulfilling visiting requirements, except in those exclusively using video visitation or those designed without in-person space. The Board also determined that, as not to deter visitation from any inmate or member of the public, facilities must not charge visitors or inmates for the use of on-site video visitation; and furthermore facilities shall not charge for the first hour of off-site or remote location video visiting. Section 1062(f), was added to address existing facilities that were not designed with, or do not have, space for in-person visitation; this includes facilities for which initial architectural planning had been

submitted to the Board. There are no anticipated operational or fiscal impacts due to these changes. New facilities may not be built without access to in-person visitation.

PURPOSE

These revisions were made to comply with the Governor's veto message on Senate Bill 1157, which directed BSCC to work with stakeholders to explore ways to address video visitation. The BSCC met with stakeholders, including six of the sponsoring organizations of Senate Bill 1157 to discuss the issues and identify solutions. The proposed regulations will provide inmates with the required amounts of visitation while allowing for adequate flexibility without create strict mandates. Benefits include improved communications between inmates and their families, improved facility operations, and the overall safety of facility staff, incarcerated persons, and visitors may also be positively affected by these proposed regulations due to ease of access and increased morale.

PROBLEMS THIS PROPOSED REGULATION SEEKS TO ADDRESS

The proposed regulations sought to address the issue of visitation, and ensure inmate access to in-person visitation in facilities where it is provided. In addition, this measure will prohibit additional facilities from converting existing in-person visitation programs to a video-only approach.

BENEFITS ANTICIPATED FROM THE PROPOSED REGULATION

The BSCC anticipates several benefits from the proposed regulation adoption and amendment, including: Improved communications between inmates and members of the public, improved facility operations, safety of facility staff, incarcerated persons, and visitors may also be positively affected by these proposed regulations due to ease of access and increased morale.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The BSCC did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the BSCC.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The BSCC has not identified any alternatives that would lessen any adverse impact on small businesses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS.

The BSCC has determined that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business based on the Economic Impact Assessment, as discussed below.

ECONOMIC IMPACT ASSESSMENT

PURPOSE

The Board of State and Community Corrections (BSCC) is required by Penal Code 6030 to biennially review facility standards and make appropriate revisions. These revisions were made to address the Governor's veto message on Senate Bill 1157, which directed BSCC to work with stakeholders to explore ways to address video visitation.

In reviewing the current regulations, the BSCC set out to provide local detention facilities with a clear and concise guide to navigate the requirements as they pertain to visitation.

THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not create or eliminate jobs within the state of California.

THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not create new businesses or eliminate existing businesses within the state of California.

THE EXPANSION OF BUSINESSES CURRENTLY DOING BUSINESS WITHIN THE STATE OF CALIFORNIA

The proposed amendments will not expand businesses currently doing business within the state of California.

BENEFITS OF THE REGULATIONS TO THE HEALTH AND WELFARE OF CALIFORNIA RESIDENTS, WORKER SAFETY, AND THE STATE'S ENVIRONMENT

The anticipated benefits from the proposed regulation adoption and amendment, including: Improved communications between inmates and members of the public, improved facility operations, safety of facility staff, incarcerated persons, and visitors may also be positively affected by these proposed regulations due to ease of access and increased morale.