
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 799 **Hearing Date:** April 18, 2023
Author: Durazo
Version: February 17, 2023
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Prisons: inmate visitation*

HISTORY

Source: The Place4Grace
Prison from the Inside Out
Jesse's Place Organization

Prior Legislation: SB 1139 (Kamlager), Ch. 837, Stats. 2022
AB 990 (Santiago), vetoed in 2021
SB 843 (Comm. on Budget & Fiscal Rev.), Ch. 33, Stats. 2016
AB 2133 (Goldberg), Ch. 238, Stats. 2002

Support: California Alliance for Youth and Community Justice; California Catholic Conference; California Families Against Solitary Confinement; California Public Defenders Association; Communities United for Restorative Youth Justice; Community Works; Ella Baker Center for Human Rights; Legal Services for Prisoners With Children; Los Angeles Dependency Lawyers; Root & Rebound; Smiley and RA Reentry Program; Starting Over, Inc.; Transformative In-Prison Workgroup; Universidad Popular; several individuals

Opposition: None known

PURPOSE

The purpose of this bill is to require the California Department of Corrections and Rehabilitation (CDCR) to, upon request by a visitor, scan certain documents into its computer information system, as specified, and to require the department to allow a visitor for an in-person visit or an approved family visit to bring certain items for the visit, as specified.

Existing law vests the Secretary of the CDCR with the supervision, management and control of state prisons. Provides that the Secretary is also responsible for the care, custody, treatment, training, discipline and employment of a person confined in those prisons. (Pen. Code, § 5054.)

Existing law provides that the Secretary may prescribe and amend the rules and regulations for the administration of the prisons. (Pen. Code, § 5058.)

Existing law requires that any amendments to existing regulations and any future regulations adopted by CDCR which may impact the visitation of inmates do all of the following:

- Recognize and consider the value of visiting as a means to improve the safety of prisons for both staff and inmates.
- Recognize and consider the important role of inmate visitation in establishing and maintaining a meaningful connection with family and community.
- Recognize and consider the important role of inmate visitation in preparing an inmate for successful release and rehabilitation. (Pen. Code, § 6400.)

Existing law prohibits an incarcerated individual from being denied family visits based solely on the fact that the individual was sentenced to life without the possibility of parole or was sentenced to life and is without a parole date established by the Board of Parole Hearings. (Pen. Code, § 6404.)

This bill requires CDCR, upon request by a visitor, to scan documents into the Strategic Offender Management Systems (SOMS), including, but not limited to, all of the following:

- A birth certificate for a visiting minor.
- A parental consent form for a visiting minor.
- A marriage license or domestic partnership form for a person attending an approved family visit.
- A birth certificate for a parent or sibling attending an approved family visit.
- A medical note for a visitor.

This bill requires CDCR, for an in-person visit, to allow a visitor with an infant or toddler to bring all of the following:

- A combination of six factory-sealed single-serving packets of baby formula or four transparent plastic baby bottles or cups that are empty or contain premixed formula, milk, almond milk, soy milk, rice milk, lactose-free milk, juice, or water.
- Six nonglass containers of baby food or snacks in sealed packaging.
- Two plastic spoons.
- Ten disposable diapers.
- One sealed package of baby wipes.
- Three changes of clothing.
- Two small blankets.
- Two pacifiers.
- Three burp cloths.
- Diaper cream.
- A baby carrier or wrap.
- A clear plastic diaper bag.
- Toys, including an electronic toy, two children's books, and up to 10 pages of homework or coloring pages.

This bill requires CDCR, for an approved family visit, to allow a visitor to bring all of the following:

- Personal linens, including a mattress cover, flat sheet, fitted sheet, single layer blanket, bath towel, hand towel, and washcloth, for each person and for the length of the visit.

- A bath mat and disposable shower curtain.
- A sealed lubricant bottle.
- Items for infants or toddlers, including all of the following: a combination of 14 factory-sealed single-serving packets of baby formula; one factory-sealed container of milk for each day of the visit, including formula milk, almond milk, soy milk, oat milk, rice milk, or lactose-free milk; or four transparent plastic baby bottles or cups; two gallons of factory-sealed distilled water; factory-sealed juice; six nonglass containers of baby food or snacks in sealed packaging for each day of the visit; two plastic spoons; one package of diapers; one sealed package of baby wipes; three changes of clothing for each day of the visit; two small blankets; two pacifiers; three burp cloths; diaper cream; a baby carrier or wrap; a clear plastic diaper bag; and toys, including an electronic toy, two children's books, and up to 10 pages of homework or coloring pages.

COMMENTS

1. Need For This Bill

According to the author:

SB 799 protects the dignity of families and their critically valuable time with loved ones who are incarcerated by requiring the California Department of Corrections and Rehabilitation (CDCR) to scan visiting documents into the Strategic Offender Management Systems upon request. The Family Dignity Act would require CDCR to allow a visitor for an in-person visit or an approved family visit to bring certain items for the visit, including basic and necessary items for infants and toddlers.

Visitation increases safety in prisons, maintains family and community connections, and prepares incarcerated people for successful release. This is why as chair of Senate Budget Subcommittee 5, I prioritized \$20.3 million a year to add a third day of *in-person* visitation at all California prisons and to provide visitors with free transportation throughout the year to all prisons via chartered buses.

We continue to hear from families desperate to see their loved ones—often traveling hundreds of miles for this time together—who face struggles every step of the way, including with online scheduling, cancellations, and travel costs. Imagine overcoming these struggles only to be turned away because of a torn birth certificate or because you're a grandmother who forgot the parental consent document at home. Even though you've been to that same prison with your grandchildren multiple times, you still get turned away. Imagine not having enough formula to feed your baby, or having to choose between coloring pages and homework?

SB 799 upholds the dignity of families so that they can be together, children can thrive, loved ones can heal, and rehabilitation becomes possible.

2. CDCR Visitation Policies

Visitation Generally

There are three types of visits in CDCR institutions: contact visits, no-contact visits, and family visits. Most incarcerated individuals who are housed in a general population setting may receive contact visits which are not limited in duration except for normal visiting hours or terminations caused by overcrowding to allow other visits to begin. Incarcerated individuals who are still in reception or are segregated from the general population (e.g., Administrative Segregation) are restricted to non-contact visits which occur with a glass partition in between the incarcerated person and the visitor and are limited in time. Finally, some incarcerated individuals are eligible for family visits which take place in private, apartment-like facilities on prison grounds and last approximately 30-40 hours. (<https://www.cdcr.ca.gov/visitors/types-of-visits/>)

CDCR regulations provide for the general policies and protocols related to visits. As required by state law, the department's regulations "are made in recognition and consideration of the value of inmate visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful release and rehabilitation." (Cal. Code Regs., tit. 15, § 3170, subd. (a).) The regulations additionally provide that "[i]t is the intent of these regulations to establish a visiting process in the institutions/facilities of the department that is conducted in as accommodating a manner as possible, subject to the need to maintain order, the safety of persons, the security of the institution/facility, and required prison activities and operations." (*Id.*) The institution head is required to maintain visiting procedures for inmate visiting at each institution; local visiting procedures are prohibited from conflicting with CDCR regulations. (Cal. Code Regs., tit. 15, § 3171, subd. (a).) Local visiting procedures summarizing all rules, regulations and procedures governing visiting must be given in writing to all of the incarcerated individuals at the institution. (Cal. Code Regs., tit. 15, § 3171, subd. (b).)

Before a person may be permitted to visit someone incarcerated in one of CDCR's institutions, the person must apply for approval using the department's questionnaire. (Cal. Code Regs., tit. 15, § 3172, subd. (b).) Regulations require that the visiting approval application process include an inquiry of personal, identifying, and the arrest history information of the prospective visitor sufficient to complete a criminal records clearance and a decision by the staff at the institution to approve or disapprove based upon the information provided. (Cal. Code Regs., tit. 15, § 3172, subd. (e).)

Approved visitors must complete a visitor pass upon their arrival at the institution's visitor processing center and the visitor's approval to visit must be verified. (Cal. Code Regs., tit. 15, § 3173, subd. (a).) All adult visitors are required to present picture identification before being permitted to visit, and a certified record of birth must be presented during each visit for each minor. (Cal. Code Regs., tit. 15, § 3173, subd. (b).) Regulations specify that acceptable proof of picture identification for visitors may be, but is not restricted to, the following valid documents: driver's license with picture; Department of Motor Vehicles identification card with picture; picture passport; armed forces identification card with picture; picture identification cards issued by the U.S. Department of Justice; or picture identification issued by the Mexican Consulate. (Cal. Code Regs., tit. 15, § 3173, subd. (c).)

Regulations require institution heads to maintain family visiting policies and procedures, and describe family visits as "extended overnight visits, provided for eligible inmates and their

immediate family members...commensurate with institution security, space availability, and pursuant to these regulations.” (Cal. Code Regs., tit. 15, § 3177.)

Specific Items for Visits

The Department Operations Manual (DOM) provides additional guidelines regarding specific items that a visitor may bring into a prison during a visit. The DOM provides that a visitor is authorized to bring the following items for each baby to an in-person visit:

- One transparent diaper bag
- Six disposable diapers
- Three factory-sealed jars of baby food
- Any combination of the following; two factory-sealed single serving size, ready to feed bottles of baby formula or two transparent plastic baby bottles, either empty or containing pre-mixed formula/milk/juice/water
- Two factory-sealed, single serving size packets of powdered baby formula
- One change of clothes
- Single-layer baby blanket
- One transparent pacifier
- Factory-sealed baby wipes
- One plastic baby feeding spoon
- One single-layer burp cloth
- One infant carrier
(DOM § 54020.15)

The DOM additionally provides that visitors are authorized to possess the following items during a family visit: one bag of clothing per visitor; basic personal hygiene items in the amount necessary for the length of the family visit; disposable diapers; children’s toys; and simple games, coloring books, crayons, or pencils, as authorized by the institution. (DOM § 54020.33.15 (items not relevant to the provisions of this bill were excluded).) Finally, visitors with infants may be allowed powdered or bottled formula in vendor-sealed containers and baby food in vendor-sealed jars during a family visit. (DOM § 54020.33.16.)

3. Effect of This Bill

Advocates contend that the requirement that a visitor present certain documents or records to prison staff upon every visit can be overly burdensome or challenging to comply with. To address this concern, this bill requires CDCR to scan specified documents into SOMS, including, but not limited to, a birth certificate for a visiting minor; a parental consent form for a visiting minor; a marriage license or domestic partnership form for a person attending an approved family visit; a birth certificate for a parent or sibling attending an approved family visit; and a medical note for a visitor. The bill specifies that the visitor must request that the department scan these documents into SOMS.

This bill additionally specifies items that a visitor with an infant or toddler must be allowed to bring for an in-person visit, including specified numbers of single-serving packets of baby formula or baby bottles containing premixed formula or other appropriate liquids, specified amounts of nonglass containers of baby food or snacks in sealed packaging, a clear plastic diaper

bag, and specified numbers of plastic spoons, diapers, baby wipes, blankets, pacifiers, and toys, among other things. Finally, this bill specifies items that a visitor must be allowed to bring for an approved family visit, including personal linens, a bath mat, a disposable shower curtain, a sealed lubricant bottle, and items related to caring for infants or toddlers, as specified.

4. Argument in Support

Community Works writes:

There are approximately 97,000 people incarcerated in California's prisons at present, some of whom receive regular visits from their loved ones and many more who have loved ones interested in visiting but who nevertheless encounter barriers doing so.

Families and friends travel to prisons each week and have to carry documents that most have filed away for protection and privacy. These same people have been turned away from visiting their incarcerated loved ones for misplacing birth certificates, marriage licenses, and identification cards.

Furthermore, CDCR currently does not allow families to bring in several important items that support the comfort and success of a visit, such as age-appropriate food, toys, and objects of stimulation in the case of parent-child visits with infants or toddlers.

SB 799 would address these ongoing obstacles for people visiting their incarcerated loved ones by streamlining the process for tracking required documentation for visits and permitting a broader range of harmless yet helpful items for visitors to bring inside along with them.

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